

A
SECOND COLLECTION
OF
SCARCE and VALUABLE
TRACTS,

ON THE MOST
Interesting and Entertaining Subjects:

But chiefly such as relate to the
History and Constitution of these Kingdoms.

Selected from an infinite Number in *Print and Manuscript*, in the ROYAL,
COTTON, SION, and other Public, as well as Private Libraries;

Particularly that of the
Late LORD SOMERSET.
Revised by EMINENT HANDS.

V O L. IV.

*The Bent and Genius of the Age is best known in a free Country, by the Pamphlets
and Papers that come daily out, as the Sense of Parties, and sometimes the Voice
of the Nation.*

Preface to KENNET's Register.

Judex qui aliquid statuit, unâ parte auditâ tantum & inauditâ alterâ, licet
æquum statuerit, haud æquus fuerit.

Ld. COKE & JUST. Inst.

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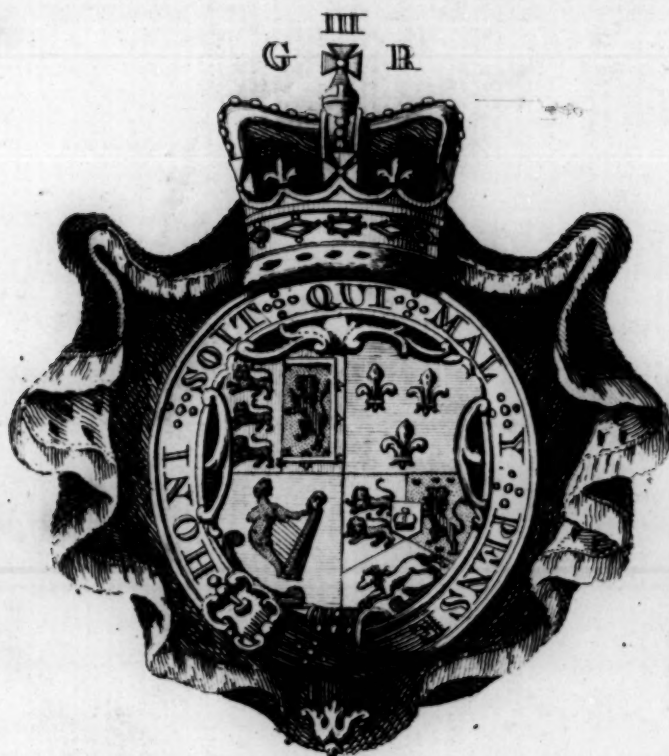
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SECOND COLLECTION

SCARCE AND VALUABLE

TRACTS

ON THE MOST



LONDON:

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MDCCCXXXIII

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A SECOND
COLLECTION
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TRACTS.

A Journal of the Proceedings of the Parliament in *Ireland*.
With the Establishment of their Forces there.

March, 25, 1689.

A PROCLAMATION issued out for a Parliament to be held in *Dublin, May 7.* no Popish Bishops summoned.

May 7. Parliament met in the Inns: Some Lords introduced; Bishop of *Meath* and *Cork* amongst the rest; the King enters with Robes and Crown; makes a Speech: Chancellor bids the Commons chuse a Speaker; they go to their House, and having chosen Sir *Richard Nagle*, present him within half an Hour; he is accepted: House adjourns till Ten in the Morning: Two Lords called by Writ Chancellor, Lord *Nugent*, and Lord *Riverstown*.

May 8. Bishop of *Story* introduced. Address of Thanks to the King, and Abhorrence voted. A Committee appointed to draw it up. A Message to the Commons for their Concurrence.

The King comes into the House, appoints Four in the Afternoon for both Houses to attend him with it. A Bill brought into the House by C. J. *Nugent*, and read twice, *Rege present*. Containing a Recognition of the King's Title, and an Abhorrence of the P. of O's Usurpation, and of the Defection of the *English*; ordered after to be ingrossed: Committees of Grievances and Petitions appointed: House adjourned till *Friday Morning*.

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B

May

May 10. King comes into the House, and stays there all the Session: Bill of Recognition, &c. read the third Time; sent down to the Commons by two Judges, who report the Delivery of it. A Bill brought in by C. J. *Nugent* for encouraging Trade, by inviting Strangers into the Kingdom, taking only the Oath of Fidelity, read once. The King directs the House in the Methods of proceeding; adjourned to Ten next Day: At Four Afternoon Committee of Petitions and Trade sat; a Petition preferred by *Nagle* against *Gerard Borre*, Esq; for Perquisites of the Clerk of Parliament; *Borre* ordered to appear Monday following at Four in the Afternoon.

May 11. Bishop of *Limerick* introduced: House ordered to attend the King in their Robes, which they did: The Orders of the House read: Bill for Trade read the second Time, and committed: Bill of Recognition brought into the House from the Commons; at Eleven the King comes to the House in his Robes, and passes the Bill; the King goes out. 'Tis disputed, whether the Session was not discontinued by passing the Bill; moved to refer it to the Judges by the Bishop of *Meath*; over-ruled, and resolved in the Negative. Adjourned till Monday.

May 13. A Bill brought into the House by C. J. *Nugent* for altering the *Act of Settlement*; read once, and Motion made for the second reading, but rejected. The King present at Four in the Afternoon; the Committee of Petitions and Privileges sat; *Borre's* Answer put in, and *Nagle* ordered to reply, Lord *Brittas's* Petition concerning his Arrest eighteen Years ago, read; Affidavit ordered to be made, and on the Affidavit the Party to be committed to the Black Rod.

May 14. The Peers Names called; License of Absence granted, and Proxies admitted: Two Bills brought up by the Commons, and read once; one for recalling all Grants of Civil Offices from the King, during Life or good Behaviour: Another against Writs of Error, and Appeal into *England*; and that an Act of Parliament in *England* shall not bind *Ireland*. King present all the while.

May 15. Earl of *Westmeath* introduced Bill for vacating Offices, &c. read second Time, and committed; Speaker quits the Chair: Chief Justice *Nugent* called up by the King to be Chairman; the Bishop of *Meath* against it for two Reasons; 1st, Because able Officers might be turned out without Fault. 2^d, It was unjust to turn Men out of Freehold without Trial or Compensation; the Lord Chancellor for it, because to the King's Prejudice to grant them; the House reassumed, and the Bill read a third Time; at every Sentence the Clerk stopt, and the Speaker asks the House, Shall it pass without Amendment? It was put to the Vote; all consent but the Bishop of *Meath*, who desired to protest, but was denied, because he offered it too late; viz. after the Votes were past; King present all along.

May 16. Chief Justice *Nugent* reports the Alterations made in the Bill of Trade: The Bill against Writs of Error, &c. read the second Time, and committed: Speaker quits his Place; Chief Justice *Nugent* assumes it: Bishop of *Meath* argues against it, because against his Oath of Supremacy to the King; because prejudicial to the King and Kingdom; robbing the King of his Prerogative, and the Subject of the Liberty of appealing to the King in Person:

T R A C T S *on* all SUBJECTS.

11

Person : He desires a Clause in the latter End for saving all Writs of Error, and Appeals now depending in *England* : The Lord Chancellor for the Bill, argues from the Ease and Benefit of the Subject. The House reassumed the Bill, read *seriatim*, as the other before ; after that, put to the Vote ; all consent : The King present at all the Debates. A Bill read once, making it Treason to bring in counterfeit foreign Coin into the Kingdom ; referred to the Committee. A Petition preferred about Butter-Casks, and referred. At Four in the Afternoon the Committee sits, and refers the Bill about Money to the Judges ; and that about Casks to the Committee of Trade.

May 17. The Bill about Trade read twice, and passed *nemine contradicente* : Lord Primate's Summons and Proxy granted to the Bishop of *Meath*, read and allowed : Objected, That the Proxy should be introduced, not allowed, because the Primate did not appear ; but it was carried in the Negative, and Precedents were cited for it.

May 18. Journals of the last Day read : A Petition for the Relief of some poor Prisoners, read, and referred to the Committee.

May 20. Journals of the House read ; Lord *Dillon* introduced.

May 21. Earl of *Barrymore*'s Proxy granted to the Lord *Granard*, allowed, but not read : Lord *Dunsany*'s Proxy granted.

May 22. Lord *Trimnestown*, and Lord *Kilmahar* introduced. Motion made by Bishop of *Meath* against the Sheriffs of *Dublin* for quartering an Officer upon him ; Ordered, That no Peer should be quartered on ; and that the Sheriff should be committed to the Black Rod. The Bill for repealing the *Acts of Settlement* brought up from the Commons by Col. *Macarty*, and lodged in the House.

Observe, That nothing was done in the House for four Days before, because the King waited for this Bill from the Commons ; and that the King sent frequently for it ; the Black Rod having called to the House of Commons six or seven Times this very Day to send it up, the Lords House and King spent the Time in Discourses and News.

May 23. Journals of last Day read. The Bill from the Commons lodged Yesterday, read this Day once : Motion made to have it read again in the Afternoon, but rejected : Bishop of *Meath* moves, That the Lords Bill might have Precedence of it in reading, or at least, that both might be committed : The first rejected, the latter granted : The Commons Bill ordered to be read next Morning.

May 24. Col. *Macarty* made Baron, *Moun Cassan* introduced. The Commons Bill of Repeal read again, and committed to the whole House ; moved the Lords Bill of Repeal might be read and committed, but denied. Several Petitions read, put in by Persons concerned under the Acts ; all referred, except Capt. *Kelly*'s.

May 25. Bill about counterfeit Foreign Coin amended, and read the third time : Controversy between *Trimnestown* and *Dunsany* about Precedencies, reported by the Committee, adjudged to *Trimnestown*, because it was so in 1634 ; with a Saving to *Dunsany*, if he can shew a better Right. Several Petitions read, preferred by Persons concerned under the Acts of Settlement and

Explanation, and by others for Remainders: One by Lord *Glan Melcera*, to be relieved against the Sale of his Estate to Sir *Patrick Trant*.

May 27. Several Petitions read, and Counsel on them heard at the Lords Bar, viz. Lord *Galway's*, *Matthew's*, Lord *Kingstown's* Brothers, Sir *Henry Bingham's* Brothers; the Scope of them all was, To have Savings for their Remainders, and Consideration for their Improvements; referred all to the Committee of Petitions.

May 28. Several Petitions read, relating to the Act of Settlement; Bill of Repeal read the second time; the House adjourned during Pleasure, and resolved into a grand Committee; the Bill of Repeal read by Paragraphs; some Objections made, which occasioned some Alterations. Motion made for adjourning till *Thursday*, because *Wednesday* was a Holiday; the King asked, What Holiday? Answered, The Restoration of his Brother and himself, &c. He replied, The fitter to restore those loyal Catholick Gentlemen that had suffered with him, and been kept unjustly out of their Estates; the Motion rejected.

May 29, Petitions read, and referred to the Committee; the House resolved into a grand Committee; the rest of the Bill read by Paragraphs; Objections made; some over-ruled, others thought reasonable; King offers a new Preamble to the Bill, instead of that which was sent up from the Commons House; assented to it. Judge *Daly* impeached by the Commons; at four in the Afternoon Committee of Petitions sits; Chief Justice *Keating's* Petition read; Lord *Forbes's* and Lord *Galway's* adjourned to the 31st, because the 30th was a Popish Holiday.

May 31, Judge *Daly's* Petition read and granted; Scope of it for Time to answer the Commons Impeachments, and to have a Copy of it: Lord *Galway's* heard at the Bar, about his Lady's Remainder in Lord *Lanesborough's* Estate; Proviso granted for it: Lord *Riverstown* reports the Alterations made in the Bill of Repeal by the Committee, which were all consented to.

June 1. *John Brown's* Petition read and argued at the Bar; the Chairman reports the Alterations and Additions made to the Bill of Repeal; which are approved: Judge *Daly's* Petition, desiring a further Day for an Answer, read and granted. Mrs. *Wall's* Bill against her Husband read once.

June 3, Petitions read, and referred to the Committee: Lord *Galway's* Counsel heard at the Bar, concerning his Lady's Remainder, and Arrears due to the Heirs of *Ulick Earl of Clanricard*: Lord *Riverstown* reports from the Committee several Alterations and Provisoes to be inserted in the Bill of Repeal; which were each twice read. Sir *William Talbot* came up with a Message from the Commons, which imported their earnest Request to the Lords, to pass the Bill with all the Expedition they could, because the Heart and Courage of the whole Nation were bound up in it.

June 4. Journals read: Petition from the Bishop of *Cork* for Relief for Arrears of Rents: A Bill for Mrs. *Wall* against her Husband, read the second Time: Lord *Riverstown* reports new Alterations, new Provisoes in the Bill of Repeal; the new ones read twice; the whole Bill, with all its Alterations and Provisoes, read; after reading, the Bishop of *Meath* speaks against it, Lord Chancellor and *Riverstown* for it; the Bishops desire leave to enter their Protest, and four of the temporal Lords, which were all the Protestants in the House.

House. *Mem.* That the King said, That they must not enter their Protestation, but only their Dissent; for Protestation came in in rebellious Times, and that they should not give the Reasons of their Protestation.

June 5. The Bishops Protestation. *We the Lords Spiritual in Parliament assembled, whose Names are hereafter subscribed, having for diverse Reasons, then humbly offered to the House of Lords, dissented from passing the Bill into a Law, sent up to this honourable House from the House of Commons, intituled, An Act repealing the Acts of Settlement and Explanation, &c. And having obtained leave from the House of Lords to enter our Dissent against the said Bill, do accordingly subscribe our Dissent from the said Bill.*

This was brought in Parchment to the Clerk of the Parliament the next Morning before the House sat, and signed, *Meath, Ossory, Cork, Limerick*; the like Protestation in Parchment signed *per Granard, Longford, Ross, Howth.*

I, Anthony Bishop of Meath, being constituted and allowed Proxy for the most Reverend Father in God Mich. Lord Archbishop of Armagh, do, in his Name and Behalf, dissent from the said Bill. Mich. Armagh.

The like signed by *Ossory*, as *Waterford's* Proxy.

Journals of the House read: Lord *Clan Maleera's* Case against Sir *Patrick Trant* heard at the Bar, and adjudged against: The Lord *Mounigarret* petitions the House that Sir *John Ivory* may commit no Waste on his Estate; a general Order made against it. Committees of Trade, Privileges, and Petitions, revived: A Committee appointed for Mrs. *Ward's* Bill.

June 6. Journals read; Officers of the House petition about Introduction Fees, read, and referred to the Committee: *George Kelly*, Constable, ordered to be committed for his Insolence to Lord *Longford*.

June 7. Journals read: Message from the Commons for a Conference about Exceptions to the Alterations made in the Bill of Repeal; four Lords appointed to meet them immediately in the Chamber over the Lords House; the Lords ordered only to hear their Objections, and report them, which they did accordingly. The Order against Waste and spoiling Improvements, read, and approved: Lord *Riverstown* moves, that Constables and Sheriffs might have Power to commit the Possessor that made any Waste; Judges Opinions asked, all against it, and the House agrees with them.

June 8. The House of Commons desire to withdraw their Impeachment against Judge *Daly*, having accepted his Submission, which was granted: A present Conference desired by the Lords upon the Subject of the last Conference, wherein the Lords of the Committee report what they agree, and what they insist on, together with the Reasons why they insist on them.

June 10. Journals of the last Day read: A Petition of *Bridges* read, concerning his being turned out of Possession by the Proprietor; the House would do nothing in it; the rest of the Morning spent in Discourse.

June 11. A free Conference between the two Houses, concerning the Bill of Repeal; the Commons insist on two Things; 1st, That the present Possessors may have Time to remove till *May* next; 2^{dly}, That all Remainders may be forfeited, and vested in the King; Journals read.

ESTABLISHMENT, May 1689.

<i>d. p. diem p. mens.</i>				Men
6 $\frac{1}{2}$ — 16 3 — 1	Troop of Grenadiers contains	— — —	50	
6 $\frac{1}{2}$ — 16 3 — 7	Regiments of Horse contain	— — —	2750	
5 $\frac{1}{4}$ — 13 1 $\frac{1}{2}$ — 7	Regiments of Dragoons contain	— — —	3800	
	The Royal Reg. contains 22 Comp. 90 in each Co.		1980	
4 — 10 — 42	Regiments of Foot, 13 Comp. 62 Men each	—	33852	
				Total 42432

Deductions.

3 *d. per Pound* for the Hospital, from all Soldiers and Officers.

1 *d. per Diem* for the Cloaths, $\frac{1}{2}$ for Shoes, and $\frac{1}{2}$ for Cloaths. *Foot.*

1 $\frac{1}{4}$ *per Diem* from Dragoons, $\frac{1}{2}$ for Furniture, $\frac{1}{4}$ for Horses. *Dragoons.*

1 $\frac{1}{2}$ *per Diem* from Troopers, $\frac{1}{2}$ to the Captain for Furniture, 1 *d.* for the Clerk. *Horse.*

HORSE, 7 Reg.

Duke of Tyrconnel
 Lord Galmoy
 Col. Sarsfield
 Col. Southerland
 Lord Abercorne
 Col. H. Luttrell
 Col. Parker

DRAGOONS, 7 Reg.

Lord Dungan
 Sir Neil O Neil
 Col. Dan. O'Brien
 Col. Nicholas Purcell
 Col. Clifford
 Sir James Cotter
 Col. Simon Luttrell

F O O T, 42 Regiments.

Col. John Hamilton
 Ramfey
 Earl of Clancarty
 Col. Ant. Hamilton
 Earl of Clanricard
 Earl of Antrim
 Lord Gormanstown
 Lord Clare
 Lord Galloway
 Lord Slane
 Lord Lowth
 Lord Duleek
 Monsieur Boisson
 Sir Val. Brown

Sir John Fitzgerald
 Sir Maur. Euflaw
 Col. Wil. Nugent
 Col. H. Dillon
 Col. John Grace
 Col. Rich. Butler
 Col. Edw. Butler
 Col. Walter Butler
 Col. John Bourk
 Col. Char. Moore
 Col. Corn. O'Neill
 Col. Cavenagh
 Col. Gordon O'Neill
 Col. Nich. Brown

Sir Mich. Creagh
 Col. Brien Mac Maghon
 Col. Tool
 Col. Oxbrough
 Col. Maccarty Moor
 Col. Barret
 Col. Farrel
 Col. Bagnall
 Lord Bagnall
 Lord Tyrone
 Col. Cha. O'Brien
 Lord Iveagh
 Col. O'Donovan
 Col. Dom. Brown.

A Letter from *Dublin*.

June the 12th, 1689.

I For some particular Reasons, resolved not to write to you any more, especially being uncertain whether you received my former; or if you did, whether they were of any Use; but the particular Reason of my not writing being partly ceased, I consider it is no great Matter if I lose my Pains. I hope to send you an Abstract of what has been done in the House of Lords and Commons, having a Promise of such an Account from those that know them. We have had three Expresses from *England*: *John Browne* the Lawyer came over about a Fortnight ago from *Milford*, and landed at *Waterford*; Sir *J—C—*'s Son came in a Wherry, and landed about *Wickloe*, but that which was most material, was from the Lord *M.* by some Quakers, that came last Week hither in a Wherry; some the like went Yesterday back to you, we have several Expresses sent over to you that Way; and a strict Embargo, lest any should follow and discover them. You must not expect the Secret of their Messages from me, only 'tis reported, that *John Browne* brought no Letters with him, but came over with a Design to save his Ironworks from the new Proprietors: I hear that upon his Petition to the Parliament, the Possession is secured to him by a Proviso, he paying Rent: He reports that *England* is unanimous, and that we must expect an Invasion by the next Easterly Wind: The Quakers and *Crosby* talk likewise of an Invasion, but represent the People of *England* as dissatisfied, I find there is still an Expectation and Dependance on *Scotland*, though not so strong as at first; we talk very confidently of a Fleet, and fifteen thousand Fusileers, from *France*; the *French* Fleet to consist of eighty Men of War: I verily believe there is something in it; without some such Aid, *Ireland* does appear but an easy Conquest, which is not the *French* Interest. The Misery of this Town is very great, some being little better than dragoon'd by the Quartering of Soldiers; some have ten, some twelve, some twenty or thirty quartered on them; and yet I cannot find, that besides what came in To-day, there were above three thousand and odd Men in Town; but the Reason is plain, each Man has many Quarters, and some Captains make thirty or forty Shillings a Week by them; they come in by twelve, one or two of the Clock by Night, to demand Quarters, and turn People out of their Beds, beat, wound, and sometimes rob them: There are two or three hundred Priests in Town, and they are quarter'd likewise as the Soldiers; and so are generally Noblemen and Gentlemen, with their Retinue, though not actually in the Army. I have sent you the new Establishment of the Forces, only I think four Regiments of Horse, and some of Dragoons are not yet raised. I hear all those People called Rapparees, or Half-Pikemen, are to be muster'd and arm'd; Commissions are signing for all that can bear Arms in the Kingdom. Duke of *Tyrconnel* disbanded two thousand a few Weeks ago, which are all entertained again, or at least as many as will come in; but we are most
strangely

strangely uncertain in all our Counsels, which is visible not only in this, but in every thing else: One Day the Camp near *Dublin* is to go on, and they work close at it, then it is intermitted and laid aside: One Day we are to go into *England*, and send a Declaration before us, and to be restored; another Day we are frightened with a Rumour of an Army landing out of *England* to drive us out of all; yet the King seems very well contented and pleasant; he sleeps, eats, and is in better Health than usual. *Tuesday* the 4th Instant, we had an Alarm that *Derry* was burnt with Bombs, that the King's Army had taken it, and put all in it to the Sword; *Nugent* of *Carlandstown* brought this News into the House of Commons, just when they were putting to the Vote, whether they should prosecute the Impeachment against Judge *Dally*; some think *Nugent* being his Friend, did it designedly; the News was received with loud Huzzas, and in that good and jolly Humour they acquitted the Judge: But our *Friday's* Express brought us another Account, which was, that the King's Forces had endeavoured to regain the *Windmill-Hill*, out of which they had been beaten by the Sally when *Ramsay* the King's General was killed, but that they were beaten off with great Loss; this was on *Tuesday*, and by Computation, about the same Time the Huzza was made in the House of Commons. Col. *Dorrington* and Col. *Nugent*, two of the briskest Officers of the King's Army, are desperately wounded, if not dead. 'Tis reported, that seven Field-Officers were killed or taken, and about thirty other Officers. We have no certain Account of the Soldiers, the best Account says, three hundred fell: 'Tis said they run away, and left their Officers in the Lurch. I am promised a List of the Officers that were killed: It is said that there are not above five thousand in the King's Camp at *Derry*, notwithstanding all that have gone down, a great many having run away as soon as they had loaded themselves with Plunder, and above two thousand being killed or dead since their first going down; they shake and tremble so when they come to charge, that they cannot fire; they that have Matchlocks cannot be brought by any Means to discipline, or to use them aright; this I have from a good Hand. We hear that some *English* Ships are in the *Lough* of *Derry*, a Boom with Trees and Masts is made cross the River at *Culmore* Fort, to hinder any Succours, that a Ship who attempted to get up is stranded. I believe their greatest Want in *Derry* is Firing, and Coals will be a very precious Commodity with them; and I believe in a little while they will want Cloaths for Wearing, and Drink. They talk if old Sir *Charles Coote* were alive, and had but a thousand Horse, to the Foot that are in the Town, he would not fail to fight the King's Army in the Field. About the Beginning of this Month, a Party of Horse and Foot from *Innisfil-ling*, made an Inroad into the County of *Cavan*, they drove all the Cattle off the County, they did not spare Protestants who were under Protection, only such as would go with them, they help'd away with their Bag and Baggage, those that would not go, were forc'd to part with all to them; which they said they did, lest the King's Forces should make a Prey of them; they took all Provision, Horses and Arms they could meet with; they disarmed some of the King's Forces that lay at *Belturheit*, *Bally-Garrig* and elsewhere; they burnt only such Places as were of Strength, and capable of being garrison'd; they kill'd none; they came as far as *Finagh* and *Virginia*, which you'll find in the Maps: The
Party

Party is said to have been two thousand; we were alarmed at this here, and General Monsieur *Rosen* went down to *Trim* with four Field-Pieces, and several Regiments, amongst the rest the Lord Mayor's of *Dublin*, who led his Men himself; twelve Regiments I hear were designed; I hear the Bullets both for the Field-Pieces and Muskets were found to have been too big, which made General *Rosen* storm horribly; Since the Defeat at *Derry*, I hear he and the Forces designed for *Inniskilling*, are commanded to *Derry*; two of the Field-Pieces are come back. General *Hamilton* is suspected and rail'd at by the Commonalty; but I do not believe that there is any Ground for it, or that the King does entertain any Thoughts of it. It is reported from good Hands, that the People of *Inniskilling* have made up their Horse near fifteen hundred, and their Foot near six thousand; a Party so considerable, that it is feared *England* may think itself concerned to save them by hastening their Invasion, if they intend any. There are many Discontents among the *Roman Catholics* about the Acts of Settlement, and the *French*, for the Natives look very suspiciously on them, and many do publicly say, that they are sold to the *French*; at least, that cautionary Towns are to be given them. If an Army should invade us before these Discontents are quieted, 'tis to be fear'd, that they would soon gain the Submission of a considerable Party of the *Roman Catholics* upon good Terms; and perhaps if their Help were accepted, would join to drive out the *French*; but *England* is so exceedingly slow, that it is believed they will lose the Hearts of all, and even such as wish it well will not think it safe to depend on it. 'Tis observed, that putting *French* Officers in the Place of the *Irish*, who raised the Men, causes great Discontents, many of the common Soldiers run away from their Colours upon it. Several Protestant Gentlemen in the North had Commissions from the P. and have fairly run away with them into *England*, or come to *Dublin* upon Protection or Pardon; but the Country People have chosen Commanders for themselves, who have no Commissions, and have formed themselves into Troops and Companies; of this Sort are generally those in *Derry* and *Inniskilling*; they all expect to be continued in the Commissions they have given themselves, when any Army comes out of *England*; and the Hope of this, 'tis believed, makes them obstinate to all Offers from the King; they say, the Gentlemen that left them, deserve no Countenance at all, but rather, that some Part of their Estates that went away, should be given as a Reward to such as staid and defended them. June the 13th, To-day the House of Commons agreed to the Amendments made by the House of Lords to the Bill of Repeal, so that Affair is over, and wants only the Royal Assent. An Express came in from *Cavan*, which gives us this Account: That General *Rosen* had ordered the Sheriff of that County to make a kind of a Magazine of Corn and other Provisions, in the Town of *Cavan*, to supply the King's Army in their March to *Inniskilling*, and had appointed two Companies to guard it, and that a Party from *Inniskilling* had surprized the Guards, and taken it: *Inniskilling* People are certainly there, but whether they took the Men is a Doubt, but the Provision is certainly taken. It is said there is now in *Dublin* nine Regiments of Foot, and eight more are expected; many of them are raw, and never handled Arms; there are about two Troops of Horse, I can't learn whose Regiments they are: You may wonder I can't give an exact

Account of what Men are in *Dublin*, but the Reason is, their frequent Removals, sometimes in one Day three Regiments will come to Town, and two go out ; sometimes those that are expected in Town will be countermanded within six or seven Miles ; they often come in and go out by Night, and every thing is so changed and huddled, that it is impossible to give any good Account. We do not confide much in these Men, though the whole seventeen Regiments expected were with us, because they are very raw and undisciplin'd. There is a general Press for all Horses, without Exception of Papists, who had Favour before, but there must be no Distinction, the Occasion being very urgent ; for the King is said not to have above a thousand good Horse in all the Army, most of which are in the North. The miserable Usage in the Country is unspeakable, and every Day like to be worse and worse ; many alledge, that the Raperees have secret Orders to fall anew on the Protestants that have any thing left ; the Ground of this may be their pretending such an Order, for they commonly pretend an Order for any Mischief they have a Mind to : You have had my Sense of this Matter before ; *Corke* is most vilely abused by their M. Governor *Boysloe*. The Bill for Liberty of Conscience is come to the House of Lords ; it repeals every Statute made in Favour of the Protestant Religion, and if Lawyers may be believed, it settles Popery as legally as it was in *Henry VIIIth's* Time : You may guess from the inclosed Brief, what Authority *Roman Catholic* Bishops will claim over Protestants. The Commissioners have seized all Goods of Absenters, and are actually disposing of them : It is reported, that they are about procuring an Act of Parliament to put Penalties and Oaths upon the Concealers of any of them, and to indemnify themselves for their Proceeding hitherto, which the Protestants reckon Plundering, and say is against all Law : The same Commissioners set Leases of all Absenters Estates, though no legal Inquisition is yet past on them ; some say, that they set even Estates of such as are in the Kingdom, upon Presumption that they will find some Way or other to intitle the King to them ; one Way is, to get two or three named Commissioners, who slip into some blind Alehouse, and privately find a Title for the King, by returning, that the Possessors are absent or Rebels, though they live then upon the Lands, or are in the Courts of *Dublin*, and all this without any Summons to the Parties concerned, or Possessors, or Oaths of Jurors ; all this is said, and further, that several of those have come to inform the Commissioners how they have been abused, but can't yet get Admittance, the Commissioners are so busy setting Leases. The Bishop of *Corke's* Case, which you will find in the Votes, and wherein the Parliament refused him Redress, was this : Several of his Tenants owed him Arrears of Rent, the King seized upon their Goods because they were absent ; he desires to be paid his Arrears out of the Goods found on the Lands, which he desired Leave to distrain on ; but he was told, he must sue the Tenants on the Covenants of their Leases, and recover his Rent as he could. This is like to be a Precedent, and no Creditor, Landlord or Mortgagee, whose Tenant is absent, is like to get any thing, because the King has seized the Goods and Lands which were his Security. I hear likewise where the Landlords are absent, Lessees are disturb'd and left to seek Redress from their absent Landlords. The Commons Quarrel to Judge *Dally*, for which they impeached him, was, upon some

some private Discourse he had with Sir *Alick Bourk*, and some other Gentlemen, in which he disapproved of the Commons Proceedings, and said, they were a Kind of *Massanello's* Assembly, and that it could not be expected that Men from whom the King took Estates, would fight for him, or to this Effect.

An Apology for the Protestants of *Ireland*. In a brief Narrative of the late Revolutions in that Kingdom, and an Account of the present State thereof. 1689.

——— *Quæque ipse miserrima vidi,
Et quorum pars magna fui,*———

S I R,

I AM urged by the Incentives of Love and Gratitude for the many Obligations you have laid upon me, and by the Conscience of my own Promise, to render you an Account of the late Revolutions in the Kingdom of *Ireland*; and to lay before you a true Scheme of the present Condition of that miserable and forlorn Country. In the Performance whereof, if I be necessitated to utter some unwelcome Truths, I bespeak your Charity to believe, it does not proceed from any Design of a malicious Reflection, but from that irresistible Force that naturally attends a faithful Narration. And because the Misery of Exile and Desertion is sensibly aggravated by their cruel and unequal Censure, who neither understand the Cause, nor pity the Effects of so fatal a Dereliction of our Estates and Habitations, but severely upbraid us with an unconstrained, timorous, and unnecessary Flight; it will not be possible to obviate such ill-grounded Cavils, or to describe the present Face of Affairs, without a Retrospect on the Countenance of Things as they formerly appeared.

While *Charles* the Second swayed the Scepter; though the Papists were too much countenanced and indulged; and many Hardships placed on the Protestants, especially in relation to the Act of Settlement, yet by the favour of Heaven upon the extraordinary Fertility of the Land, *Ireland* was under very auspicious Circumstances: The Church flourished, Trade increased, the Cities and Towns were every Year enlarged with new Additions, the Country enriched and beautified with Houses and Plantations, the Farms were laden with Stock, and ready and quick Markets there were to vent them: The Laws had a free and uninterrupted Course, and a Standing Army was so far from being a Terror, that they were the Comfort and Security of the People: In a Word, Peace, Wealth, and Plenty were become universal and epidemical, and all Things conspired to a generous Emulation with our Mother and Neighbour, *England*.

But no sooner did this bright Sun set, and a new One appeared in the Firmament, but Clouds and Vapours, Storms and Tempests arose in our Horizon, which have since broke out in Trouble and Confusion, not like to be

settled and appeased, but in a general Desolation, and Depopulation of the whole Kingdom. Indeed at first we were flattered with some Hopes of a calm Season, by the Arrival of the Right Honourable the Earl of *Clarendon*, and his Establishment in the supreme Command; but his Commission was stinted, his Authority far short of what was allowed to his Predecessors in that Government, and Colonel *Richard Talbot* (newly advanced to the ominous Title of *Tyrconnel*) openly and impudently appeared his Comptroller and Supervisor; most unjustly and presumptuously assuming a Power to purge the Army, to divest the Officers of their Commissions, and to disband thousands of stout, well trained Soldiers, despoiling them of the very Coats they had before paid for, and turning them off naked, and bare, to beg, and seek their Livelihood, treating them with great Barbarity, and in a jeering and scornful manner, giving out, that he must have the whole Army of one Size, *i. e.* to be modelled and measured by the Standard of *Rome*, and no Man to receive Pay from a Popish King, but he that openly gave himself up to the avowed Profession of Popery. Thus was an Army (not to be excelled, for their Number, by any Army in *Europe*) broken without a Rout, some hundreds of gallant Officers arbitrarily turned out, without the Satisfaction of assigning any Cause; and in their Rooms notorious Rebels and Murderers, or the Sons and Offspring of such, placed; the Troops and Companies filled with Thieves, Tories, Robbers, and Goal-birds: By which Act, as the Insolency and Inhumanity of the Papists was palpably discovered; so the Modesty, Submission, and Non-Resistance of the Protestants was evident to the World, by their patient undergoing this Martyrdom in their Fortunes. Soon after that noble Earl was removed, whose Administration was much disrelished by the prevalent Party, because so grateful to the Protestants (to accompany whose Departure, and to avoid the Tyranny of him that was to follow, 1500 Families deserted *Dublin*.) To him succeeded the inglorious Earl of *Tyrconnel*, in his Morals an Atheist, in his Profession a Bigot, an egregious Dissembler, and if not a Coward, one over-careful of his own Safety; a Lover of himself without a Rival: From whose Entrance we may date the Calamities and Destruction of the Protestant Religion, and of the *British* Interest in *Ireland*. For having at first culled, and afterward quite changed the Army, metamorphosing Mantles into Red-Coats, Brogues into Jack-Boots, and Cow-Boys into Captains, he dispersed his hellish Legions among all the Towns and Garrisons, where the Name of the *Irish* Grenadiers became as formidable as the *French* Dragoons. Next he proceeded to reform the Courts and Civil List; displacing the Privy-Counsellors, the Judges, superseding the Justices of Peace, turning out the Sheriffs, and changing the Officers employed in the public Revenue; constituting in their Rooms the most inconsiderable Varlets, Men of no Honesty, Understanding, or Estate, of no Skill in their Laws, or Interest in their Country. It was too soon for him to attack the Church, to invade the Bishopricks, or eject the Ministers; but in every City and great Town he erected Mass-houses, re-edify'd the Friaries, made Popish Coadjutors to the Chaplains of every Regiment, and let loose a Swarm of Jesuits and Regulars to infest the Land; and *Peter Manby* Dean of *Derry*, having apostatized from the Religion he was bred in, degraded himself from his Function, and degenerated into a Layman, yet obtained a Patent to
enjoy

enjoy the Revenues of the Deanery, and all vacant Bishopricks, and other Church Dignities, were sequester'd and applied to the Maintenance of the Popish Clergy. To complete the Catastrophe, a *Quo Warranto*, or a *Scire facias* was issued to every City and Corporation through the Kingdom, whereof some tamely submitted to a Surrender, others were condemned upon a *Nihil dicit*; while such as pleaded and defended their Right, had no other Return for their Toil and Expences, but a scornful Publication of a partial and illegal Sentence agreed on and determined in the Cabal, before the Hearing in the Court. A new Charter was sent to *Londonderry*, and none made Aldermen or Burgessees there, but the Sons and Descendants of notorious rank Rebels. But lest the Hereticks should grow sturdy, and be in a Capacity to defend themselves against the next Massacre, a Proclamation was issued, requiring all the Officers of the Militia, both Horse and Foot, forthwith to deliver in to the next Magazine all their Arms; and by this Knack, all those of the Church of *England* (for no other were of the Militia) were left naked and disarmed: Soon after the Justices of the Peace in the several Counties, were required to take away all Arms from such as did not come to Church, and to render them into the next Stores; (and by this Trick all the Dissenters were left utter defenceless.)

And now Popery began to be triumphant, the Lord Deputy and his Privy-Council (excepting a very few) the Lord Chancellor, and all the Judges, (except three) the Attorney-General and the King's Serjeants, the Justices of the Peace, and Sheriffs in each County (except in such Places where no Papists were to be had) all violent and eager Promoters of the *Romish* Religion: The Mass publicly celebrated in every Town; the Friars marching in their Habits undisturbed; the Army reformed to their own Cue, no Man countenanced, or made a Candidate for any Preferment, but he that truckled to the See of *Rome*; the Charters of all Cities, Towns, and Corporations taken away, or condemned; and ignorant, indigent, scandalous and mean Persons obtruded upon them. Titles to Estates began to be questioned, and some unrighteous Judgments given; and what else could be expected, when Judges, Jurors and Sheriffs were all of one Stamp? The Protestants were daily abused, and persecuted upon sham Plots, which never had an Existence or Foundation, but in the Heads of their malicious Accusers; and several Gentlemen were imprisoned, indicted, and tried for their Lives. And *Tyrconnel* was heard to say to his Countrymen (and as is reported, by Direction from his Lord and Master) You have now the Sword in your Hands, the King has given you your own Country to be the Refuge of Catholics, keep it now you have it, and never suffer the damn'd Heretics to possess it again.

In this Posture of Affairs, was it not high Time for the Protestants to look about them? to consult their Safety, and by a timely Removal, to avoid those imminent Dangers that threatned them. They began indeed to be under dreadful Apprehensions, and such as wisely foresaw the approaching Miseries, and were in a Capacity to do it, withdrew themselves, their Families, and Effects, into *England* and *Scotland*; by which means so great an Obstruction was made to the Circulation of Money, that there followed a general Decay of Trade through the Kingdom; the Tenants were rendered unable to pay their Rents, and the Landlords to subsist. Nevertheless, in all the Towns and
Counties

Counties there were Multitudes, who courageously resolved to abide the Brunt, and with a patient Resignation to expect a Day of Redemption from the Slavery whereunto they were subjected, resolving to follow the Fate of *England*, or hoping for seasonable Relief from them. In the mean time the Prince of *Orange*, having a tender Regard to the gasping Condition of the Protestant Religion, and condescending to assist the Nobility and Gentry of *England*, in their Rescue from Popery, Slavery, and arbitrary Power; the Lord *Tyrconnel* publicly gave out threatening Speeches, that if the Prince did send any Forces thither, he would raise and arm all the *Irish* from sixteen to sixty, and leave all the Protestants to their Mercy. This proved a new and an amazing Terror to the Protestants; they plainly saw, that if any Forces came from *England*, to call the Papists to Account, or to support them, their Lives would be made a Sacrifice to the Fury and Revenge of the Enemy; and that if none came to their Assistance. they remained hourly exposed to Rapine, Massacre and Murder; this terrible two-edged Consideration took such Impression on them, that Abundance of Men, Women and Children withdrew themselves, and abandoned the Kingdom.

But about the Beginning of *December* last a Letter was found, without a Subscription, directed to the Earl of *Mont-Alexander*, giving him a friendly Warning to take heed to himself, and positively averring a determinate Design to massacre all the Protestants through the Kingdom, Man, Woman and Child, and this to be perpetrated precisely on the Ninth of *December*. Copies of this Letter were immediately transmitted to *Dublin*, and dispersed in all the adjacent Counties; and it is as incredible to comprehend, as it is impossible to express, what Operation this had on the Minds of all People, who being either Eye-Witnesses of the horrid Cruelties committed by the *Irish* in the last Rebellion, without the least relenting Compassion to Age or Sex; or having received an indelible Impression of their barbarous Actions, from such as were Sufferers or Spectators of them; they could by no Consideration or Arguments be rally'd into any Assurance, or be persuaded to adventure their Safety under an armed Power, or continue among those, whose Principles dispose them to the utter Extirpation of such as they account Heretics. Hereupon a vast Number of People in great Precipitation removed into *England* with their Families (especially from about *Dublin*) leaving their Goods and Household-Stuff behind them. With some it had a contrary Effect, and generally thorough the Province of *Ulster*, the Inhabitants whereof began upon this Alarm to stand upon their Guard, and to keep strong Wards and Watches, resolving neither to fly nor be surpris'd; though many Things (not known in other Parts) contributed to their Conviction of the Reality of the intended Massacre; as the voluntary Confessions of certain Priests in the County of *Donegal*, who warned their Friends secretly to depart, because there was a general Massacre designed; that the Priests were against it, but had been over-voted by the Friars. The Evidence given to a Justice of the Peace in the County of *Londonderry*, that one of their titular Deans was buying up Horses and Arms, and had declared that within two or three Years past he had laid out 500*l.* in buying Arms, and that he had bespoke as many Iron Chains to be Reins for Bridles, as would serve sixty Horse (one of which Chains five Yards long was delivered to the said

said Justice by the Smith that made it.) The Words spoken by Father *Daly*, Guardian of the Friary at *Armagh*, who (when he heard that the Prince of *Orange* was to land in *England*) said publickly, That they might thank their Devil of a King for this, for if he had destroyed all the Protestants when it was in his Power, they had not now called in the *Dutch*. But above all, the Attempt of the Papists to possess *Londonderry*, at that very Nick of Time, turned the Suspicion into a confident Persuasion of the Truth of what was reported. *Londonderry* was then (by the Mercy of God, and the Improvidence of the Deputy) without any Garrison at all in it, the Soldiers being a little before transported upon the Expedition into *England*; and it falling so out, that upon the very Day when a Copy of the above-mentioned Letter was sent to that City, (namely, the 7th of *December*) the Earl of *Antrim*, with a numerous Party of *Highlanders* and *Irish*, was on his March to possess and command that Place; the Inhabitants looked upon the Advance of so many Papists on the 7th Day, to be the Prologue to the Tragedy, intended to be acted on the 9th Day, and judging, that if they were once admitted, all the *Ulster* and *Conaght Irish* might draw thither, and from thence diffuse themselves through the Province, and with great Facility exterminate all the Protestants, they (by Advice of a Gentleman in the Neighbourhood) shut their Gates and kept them out, and by his Conduct defended the Place, till a Protestant Garrison was settled in it.

And now the Deputy began to exert his Art, as before he had manifested his tyrannical and usurped Authority; for, considering that *Londonderry* was out of the Papists Hands, and that the Protestants in *Ulster* were very numerous, he began to cajole and flatter them, for he secretly gave out Commissions for raising thirty Regiments; and having circumvented the Lord *Mountjoy* with specious Pretences of Moderation and Peace, and prevailed with him to go on a Mock Embassy to King *James*, then in *France*, he condescended to certain Articles, which carried a Shew of Mildness and Equity, but really were only a Mask to cover his Designs, and to amuse the People; and they were to this Effect: 1st. That no more Forces should be raised, nor more Arms delivered out of the Stores. 2^{dly}. That the new Levies should be dismissed. 3^{dly}. That no Forces should be sent into *Ulster*. 4^{thly}. That no Nobleman, or Gentleman's House, should be made a Garrison against his Will. Which Stipulations the Deputy heartily swore to, and assured by many direful Imprecations. No sooner was the Lord *Montjoy* gone (who was made the Messenger of his own Fate, and carried *Bellerophon's* Letters with him) but the Deputy proceeded to form a new Army, and gave out Commissions for many Regiments of Horse, Dragoons and Foot, to the Number of forty thousand Men, without any other Warrant than a bare Letter from his King, emptied all the Stores and Magazines, and furnished the Soldiers with competent Arms, encouraging the Women and Boys, and the whole Rabble of People, to provide Skenes and Half-Pikes, and to live upon the Plunder of the Protestants; and having no Pay to give among the new Levies, each Captain undertook to give Subsistence to his Men in Beef and Meal for three Months; and this they borrowed from the Protestants, daily robbing them at Noon Day, and carrying away their Sheep and Cattle in Flocks and Drovers. And when he had raised a formidable Army, and very well knew how naked and defenceless the Protestants were (ha-
ving

ving twice before disarmed them) he began palpably to discover how exact and punctual an Observer he intended to be of his Oaths and Promises; and by the following Letters from *Dublin*, you may see how he began to handle those that were in his Clutches.

S I R,

DUBLIN is surrounded for thirty Miles about, with Popish Forces newly raised, and some of the Standing Army; all the Avenues to it are stopt and guarded: So that it is not possible to move, or travel five Miles, without being stopt and examined, and for the most part disarmed, dismounted, and pillaged. The City is filled with Soldiers, Troopers, and Dragoons, to the Number of 30,000. These are quartered upon private Houses, as well as publick, and more expected daily. Most Protestants within forty Miles of *Dublin* are pillaged, robbed, and disarmed; the Trees and Plantations cut down, and themselves exposed to the Mercy of Tories, Robbers, and Servants, who are now enlisted in the Army. We believe they are so every where else, but cannot have an Account, because all Letters are opened, examined, and stopt, that bring any Intelligence (by the Government) that does not please the Papists; only by Chance we hear from some Places, and find they are used like those nearer.

There is no Trade, Business, or Money stirring in *Dublin*, but every body exposed to the Mercy and Insolence of Soldiers; and when Complaint is made to the Government, there is no Redress or Help; all the Forces raised, have no Money, nor a Possibility of being paid, and therefore must be left to do as they do all at present, to plunder and pillage whom they please; when they have done in the Country, and destroyed all, as they have very near done already, they will then fall a plundering the City, which we daily fear and expect. By Order of the Lord Deputy, the County of *Meath*, and *West-Meath*, are disarmed, and their Horses taken from them: They are doing the same in the County of *Dublin*.

They have marked all the Stables in *Dublin*, and can take all their Horses in an Hour; and it's hourly expected, that they should disarm every Protestant, which they will certainly do when they are a little stronger.

They are daily baking Biscuit in the Castle for the March of an Army; they have provided, as it is said, Field Pieces: As soon as they have disarmed *Dublin*, it is like they will march into the North, to subdue the Protestants there. They in Probability intend to surprize them, and in order thereunto take up all Horses, without Regard to whom they belong; nay, they threaten not to leave so much as a Hackney; by which Means they may be able to set 10,000 Men on Horseback, and march as far as *Armagh* or *Newry* in two or three Days. They stop all Intercourses with the North, both by Sea and Land; and hope to come on them unawares. It is therefore necessary for the Protestants in the North, to be ready at a Day's Warning to receive them; to guard well all the Passes of the Mountains, and fortify them as well as they can; to make ready Provision of Meal and Ammunition for the Field; and if no Ammunition be come to them, to send Ships immediately, and Money to bring it, otherwise they may be upon them.

The

The Popish Army will have the whole Country, from *Armagh* to *Dublin* to supply them; and they can have Ammunition and Provision come to them when they please, and will not stay for them, only so much as may be for present Use.

They are bringing Gentlemen into Plots, and trying them upon Popish Oaths, by Popish Judges and Juries; so they have served Captain *Philips* of *Mullingar*, and Mr. *Bowen* the Collector, who are to be tried next Week at *Mullingar*, and will probably be found guilty and executed. This will only be a leading Example to try and condemn other Gentlemen.

Every body able to remove, is going from hence; there is no body to head the Protestants if there should be occasion. There are Warrants against most of the considerable Men. People are so intermixed, and so near the Government, that they dare not so much as meet, much less discourse any thing appertaining to the common Safety. If therefore the Protestants have no Help from Abroad, their Ruin is unavoidable.

Feb. 22, 1688.

S I R,

ALL the Streets in *Dublin* are beset with sixteen thousand Men, all their Houses are searched by Dragoons, and all their Horses taken; the Lord Mayor and Aldermen went this Day through the City, commanding all Protestants, by four of the Clock, to bring in their Arms to their Parish Church; and if they left so much as a Bayonet, not brought in, if upon Search any were found, that House should be exposed to the Mercy of the Soldiers.

Dated Feb. the 25th, 1688.

The Protestants in *Ulster* taking Notice of these Proceedings, and truly judging, that their Destruction was approaching, and that they could only expect *Ulysses's* Fate, to be last devoured, they began to rouse themselves into some Preparations to oppose a sudden Surprize, and with stout Hearts (but weak Hands) to assemble, and stand upon their Guard; and in the Eastern Counties of *Down* and *Antrim* to form an Association to raise Troops and Companies to secure the Frontiers, and to prevent the Incursions of the Enemy. But as their Preparations were hasty, and no way competent to their Necessity; so their Retreat was as precipitate, and dissonant from their Resolutions. The Deputy having got together a vast Army, the Protestants in *Dublin* and the adjacent Counties being disarmed and dismounted; those in *Munster* and *Conaght* plundered and pillaged of all their Goods, Horses, Sheep and Cattle; he sent down a Body of fifteen thousand Men into *Ulster* under the Command of *Richard Hamilton*, whom he constituted Lieutenant-General of the Army; and (out of a Design, partly to terrify, and partly to delude the desponding Protestants, who hitherto had kept up their Spirits in a daily Expectation of Relief from *England*) he made Use of a Presbyterian Minister, who had a great Influence upon those of his Persuasion (whose Number in the North was very considerable) and obliged him to write this following Letter to the Right Honourable the Lord Viscount *Massareen*, a strenuous Assertor of the Protestant Interest, and by it

the greatest Sufferer in that Province ; Copies whereof were immediately dispersed through the several Counties.

Loghbricklan, March 9, 1688.

My Lord,

ON the 6th Instant I was introduced by my Lord *Granard* into my Lord Deputy's Presence in the Castle of *Dublin* : I have his Pass to come and go through and back from *Ulster* ; and though I have not his Excellency's direct Commission, yet I will assure you I am at least permitted by the Lord Deputy, to acquaint the Chief, and others of those of the *Ulster* Association, with his Discourse to me, which was to the Effect following, to wit,

First, That his Excellency doth not delight in the Blood and Devastation of the said Province : But however highly resents their taking and continuing in Arms, the Affronts done by them to His Majesty's Government thereby, and by some Indignities done to the late Proclamation of Clemency issued and dated —

Secondly, Notwithstanding whereof, is willing to receive the said Province into Protection, provided they immediately deliver up to his Army, for His Majesty's Use, their Arms and serviceable Horses, and provided they deliver up to his Excellency these three Persons, *viz.* ————— if they remain in the Kingdom, and may be had.

Thirdly, And for further Manifestation of his Design to prevent Blood, is willing to grant safe Conduct even to the said three Persons, or any other of their Party, to and from his Excellency, and to and from Lieutenant-General *Hamilton*, Commander of Part of his Army, hereafter mentioned, if they intend any peaceable and reasonable Treaty : But withal will not, upon the said Account, or any other, stop the March of the said Part of his Army, no not for one Hour ; and if it shall appear in such Treaty, that they took up Arms meerly for Self-preservation, then he will pardon even the said three Persons also ; but is hopeless that any such thing can be made appear, seeing that many of them have already accepted and received Commissions from the Prince of *Orange*, and display his Colours in the Field, as his Excellency is credibly informed.

Fourthly, If these terms be not immediately agreed to, he will with a Part of his Army fight them ; which Part he intends shall be at *Newry* on *Monday* the 11th of this instant ; which will from thence march to *Belfast*, and from thence to *Cole-raine* and *Londonderry*, as his Excellency intends ; and that the Country *Irish*, not of the Army, Men, Women and Boys, now all armed with Half-pikes and Bayonets, in the Counties of *Cavan*, *Monaghan*, *Tyrone*, *Londonderry*, &c. will, upon the Approach of the said Part of the Army, and Resistance thereto made, immediately enter upon a Massacre of the *British* in the said Counties ; which Force and Violence of the Rabble his Excellency saith he cannot restrain, and fears that it may be greater than in 1641. These are the Heads of what I can offer to you from his Excellency's own Mouth ; but I intend to be at *Hillsborough* To-night, and there to stay for this Night ; where, if you think fit, I shall fully discourse with you of all the Particulars ; whereof, I hope, you will give immediate Notice to all chiefly concerned in your County and Neighbourhood, for gaining of Time. I have sent this Express, that your Lordship may
give

give Advertisment by Express to all such as your Lordship thinks convenient. I shall add no further, 'till I have the Honour to see your Lordship.

Your Lordship's obedient Servant,

Received the same Night at Antrim.

Alexander Osborne.

This Letter was received at *Antrim* the same Night; and immediately the following Answer was returned, by the Earl of *Mount-Alexander*, Lord *Massareen*, &c.

WE declare the utter Abhorrence of the Effusion of Blood, and that we will use all proper Means to avoid it, but cannot consent to lay down our Arms, which we were forced to take up for our own Defence; nor to part with our Goods by any other than legal Means; and that we are ready to appoint Persons to treat on each Head, as are consistent with the Safety of our Religion, Lives, and Liberty.

Now to convince all Mankind, that this specious Message sent by Mr. *Osborne*, dated *March 9, 1688*. (who came with all Speed from *Dublin*) was only a Sham and Delusion plotted by the Deputy to amuse the poor Protestants, and cast a Mist before their Eyes, that they might not see their approaching Destruction. Behold the Proclamation dated at *Dublin, March 7, 1688*. wherein he had decreed the Ruin of *Ulster*, and the Exemption of so many Persons from Mercy.

By the Lord Deputy and Council, March 22, 1688-9.

TYRCONNEL,

WHEREAS several Persons in the Province of *Ulster*, and the Town of *Sligo*, in this his Majesty's Kingdom, have entered into several Associations, containing no less Offence than High Treason; and thereupon form'd themselves into several Parties, dividing and marshalling themselves into several Regiments, Troops and Companies, marching well-armed up and down the Country, to the great Terror of the King's Liege People, in manifest Breach of the Law, and of the Peace of this Realm: And having resolved within ourselves to prevent the Effusion of Blood, as long as it was possible, by using all peaceable Means to reduce the said Malefactors to their Obedience, have of late issued a Proclamation, setting forth the said Disorders, requiring all the said Parties to disperse, and repair to their several Habitations and Callings, assuring every of them his Majesty's Pardon and Protection. And whereas we find the said Offenders, instead of complying with our said Proclamation, still to persist in their Wickedness, by continuing in actual Rebellion, breaking of Prisons, and discharging of Prisoners, secured by due Course of Law, for Robberies, Felonies, and other heinous Crimes; by seizing upon his Majesty's Arms and Ammunition, imprisoning several of his Majesty's Army, disarming and dismounting them, killing and murdering several of Majesty's Subjects, pillaging and plundering the Country, and daily

committing several other Acts of Hostility; and finding no other Way left to suppress the said Rebellion, We the Lord Deputy have caused a Party of his Majesty's Army, under the Command of Lieutenant-General *Richard Hamilton*, to march into the Province of *Ulster*, to reduce the Rebels there by Force of Arms; the Consequence whereof cannot but be very fatal to that Country, and the Inhabitants thereof, and will inevitably occasion the total Ruin and Destruction of that Part of his Majesty's Kingdom: The Consideration whereof hath given us great Disquiet and Trouble of Mind; that a Country; well-planted and inhabited should now, by the Insolency and traiterous Wickedness of its own Inhabitants, be brought to Ruin or Desolation, which we are still willing to prevent, if any Spark of Grace be yet remaining in the Hearts of those Conspirators, hereby declaring, notwithstanding the many Affronts by them put upon his Majesty's Government, notwithstanding the several Acts of Hostility by them hitherto committed, that if they will now submit and become dutiful Subjects, his Majesty's Mercy shall be extended to them, excepting the Persons hereafter excepted; and in Order thereto, We the Lord Deputy and Council do strictly charge and command all such Persons in Arms in *Ulster*, or the Town of *Sligo*, forthwith to lay down Arms, and that the principal Persons amongst them now in the *North*, do forthwith repair to Lieutenant-General *Richard Hamilton*, and deliver up to him their Arms, and serviceable Horses, and to give him Hostages as an Assurance of their future Loyalty and Obedience to his Majesty, and that all their Adherents do deliver up their Arms and serviceable Horses to such Person, or Persons as he the said Lieutenant-General *Richard Hamilton* shall appoint to receive them. And we do also further charge and command all the principal Persons of other Commotions and Insurrections in *Sligo*, to repair forthwith either to us the Lord Deputy, or to Colonel *M^cDaniel* at the *Boyle*, and deliver up their Arms and serviceable Horses, and to give Hostages as Security for their future peaceable Deportment, and their Adherents to lay down their Arms to be delivered up, together with their serviceable Horses, to the said Col. *M^cDaniel*. We the Lord Deputy hereby giving safe Conduct to such of them as will submit according to this our Proclamation. And we do hereby further declare, that such of the said Persons as shall give Obedience to these our Commands, except the Persons hereafter excepted, shall have his Majesty's Protection and Pardon for all past Offences relating to the said Commotions and Insurrections: but in case they shall be so unhappy as to persist in their wicked Designs and treasonable Practices, We the Lord Deputy do hereby command all his Majesty's Forces to fall upon them wherever they meet them, and to treat them as Rebels and Traitors to his Majesty. Yet to the End the Innocent may not suffer for the Crimes of the Nodent, and that the Committals of human Acts may be prevented, we do hereby strictly charge and command his Majesty's Army, now upon their March to the *North*, and all other his Majesty's Forces, that they, or either of them do not presume to use any Violence to Women, Children, aged or decrepid Men, Labourers, Plowmen, Tillers of the Ground, or to any other who in these Commotions demean themselves inoffensively, without joining with the Rebels, or aiding or assisting them in their traiterous Actings and Behaviours. But in regard *Hugh Earl Mount Alexander*, *John Lord Viscount Mazareen*, *Robert Lord*

Lord Baron of *Kingston*, *Clotworthy Sberington*, Esq; Son to the Lord Viscount *Massareen*, Sir *Robert Colvil*, Sir *Arthur Rowden*, Sir *John Magill*, *John Hawkins*, *Robert Sanderson*, and *Francis Hamilton*, Son to Sir *Charles Hamilton*, have been the principal Actors in the said Rebellion, and the Persons who advised and fomented the same, and inveigled others to be involved therein: We think fit to except them out of this our Proclamation, as Persons not deserving his Majesty's Mercy or Favour.

Given at the Council-Chamber of Dublin, March 7, 1688.

A Fytton, C. Granard, Limerick, Bellew, Will. Talbot, Tho. Newcomen, Rich. Hamilton, Fran. Plowden.

The Deputy (who 'till now had never kept Faith, Truce, or Promise) was strict and punctual to his Word; for he sent down his Army at the Time, and to the Place appointed, meeting with no Resistance (the Protestants being unprovided of Arms and Ammunition, and not able so suddenly to embody themselves, or stem the Torrent that was ready to overwhelm them) but what was made by Sir *Arthur Rowden*, who at the head of 200 Horse, gallantly opposed them; till finding it impossible to dispute the Passage of so great an Army by so inconsiderable a Force, he made a hasty, but honourable Retreat, with the Loss of a very few Men: and being met by some Companies of Foot, who were marching on (but too late and too slowly) to second him, they also retreated, but in some Disorder; which being observed by the Inhabitants of *Lisburn*, they began immediately to fly toward *Antrim*, the People of which Place being struck with Amazement at so unexpected an Adventure, betook themselves to Flight also, and so rolling on from one Town to another, the Country was universally seized with a panic Fear and Consternation, hurrying their Wives and Children toward the Sea-Coast, leaving their Goods in their Houses, their Stock in the Fields, and taking no Care, but to preserve their Lives. In this Confusion and Fright the poor Souls fled to *Londonderry* and would have gone further, if the Sea had not stopt them. To take upon me to describe the Horror of this Revolution, the most deplorable State of the People, the Misery, Poverty and Distress of many Thousand good Families, and the utter Desolation of a most fruitful and well-peopled Country, would engage me in a Task which no Pen can sufficiently express, nor no Art render credible, or intelligible. Let it suffice that I tell you in a Word, there is not this Day a Protestant in the Kingdom of *Ireland* that has a Gun to defend him, a Horse to carry him, a House to shelter him, or Stock to sustain him; except such as have been deluded, or (missing of timely Escape) necessitated to accept of Protections (which will avail the unfortunate Compilers no longer, than 'till the *Irish* become Masters of the whole) or else such as are confined within the Walls of *Londonderry*, who by extraordinary Courage, whetted by Despair, have resisted a powerful Army (grown insolent by an uninterrupted Success) to the Astonishment of the Besiegers, and the Shame of those that deserted them. And lest any Protestant should continue Master of his own House, or evade an open Compliance with the Papists, they found a Device to reduce them to the Misfortune of this Dilemma, either to surrender all they

had

had to the merciless Invaders, or be prosecuted as Rebels for making Resistance (which unchristian Course they had before practised through the Province of *Munster*) to which Purpose they sent summonitory Letters to the Proprietors, in one Line threatening, and in another wheedling, and so puzzling them with a fatal Irresolution, 'till either by open Assault, or by the close Mine of a Protection, they became Masters of their Wishes: I will give you only one for Instance, sent by Colonel *Gordon O Neil*, Son of that Arch-Rebel Sir *Phelim O Neil*.

BY Virtue of an Order granted to me by *Richard Hamilton*, Esq; Lieutenant-General of his Majesty's Forces in the Province of *Ulster*, to grant Protections to all such as will submit themselves and lay down their Arms, and peaceably live in their own Dwellings.

These are therefore, in his Majesty's Name, to require all Persons, so inclined, to come in to me, and they shall be protected in Body and Goods.

I do hereby summons the Garrisons of *Dauson's-Bridge* and *Magbrefelt* to lay down their Arms, or then to be proceeded against as Rebels to his Majesty, and to be prosecuted accordingly.

Given under my Hand at Duncannon, this 21st of March, 1688.

Gordon O Neil.

I had almost forgot to take notice to you how craftily and treacherously the Lord *Tyrconnel* proceeded during these Transactions. For pretending to stand in dread of an Invasion from *England*, (though by the Sequel it is more than probable he had better Intelligence from thence) he over-awed and constrained some considerable Persons to abuse the Ministers of State with a false Representation; others he plainly threatened, that if they did not write to their Friends in *England*, to dissuade them from sending over any Forces, he would expose the Protestants, without Mercy or Distinction to the Fury of the Soldiers, and the Mercy of the Rabble. And as for the ingenious Conceit of the Protections, it has proved a meer Cheat, and a Trap to ensnare credulous People; I will give you one for a Precedent,

I Richard Hamilton, Lieutenant General of his Majesty's Forces in Ulster, do hereby receive into his Majesty's Protection, the Body and Goods of James Hunter, of Bullymenagh, in the County of Antrim, Yeoman; and do promise and oblige myself, that none of the Army shall molest, or hurt him, or take any thing from him.

Given under my Hand, at the Camp, March the twenty-seventh, 1689.

Richard Hamilton.

The poor protected Man being thus noos'd, returns to his House and follows his Labour; but anon down comes the Rabble, like an Inundation of *Goths* and *Vandals*, sweep all before them, and leave nothing behind them but a naked, starved Family: The wretched Man makes his Address to his Protector, and receives only this cold Comfort, *I did promise to protect you from the Army, that none of them should offer you any Violence; but I have no Power to restrain the Rabble.*

Let us now reflect upon what has been said, and briefly recapitulate the pressing Exigencies, the imminent Extremities and unavoidable Dangers to which the poor Protestants were subjected: and then I will appeal to any Man
of

of Sense, that is not a biggotted Papist, whether they had not just and undeniable Reasons to seek their Escape from the impending Persecutions, and to take Sanctuary in *England*, *Scotland*, and the *Isle of Man*.

When the Sword was taken from the Earl of *Clarendon*, because he favoured the Protestants, and put into the Hands of *Tyrconnel*, because he was a furious Patron of the Papists, was it not high time for considerate Men to foresee the dismal Consequences, and to avoid them by a leisurely Recess? When the Officers of the Army were turned out and the Soldiers disbanded, merely because they were Protestants; when the Majority of the Privy Council, the Judges, Justices of the Peace, Sheriffs and all other civil Officers, were avowed and professed Papists; when subtle Jesuits, mercenary Priests and begging Friars swarm'd through the Land, and crept into all Houses and Families, and the Idolatrous *Mass* allowed to be set up in every Town; when the Corporations were superseded, and none admitted to Magistracy or Freedom, but the Scum of the Vulgar and the Spawn of Rebels; when the Act of Settlement began to be canvassed, and Men's Titles to Estates and Properties were prostituted to the prejudicate Verdict of such Jurors, pack'd by such Sheriffs, and the partial Sentence of such Judges, who all concur in accounting it a meritorious Service to weaken and destroy the Hereticks; was it not a rash Madness for any who had Opportunity and Ability to remove themselves, to continue under the licentious and arbitrary Humours of such a Government? But when Men began to see how they were reduced to a Necessity of suffering, whether any Succours arrived to them from *England*, or whether they were delayed; they had no Election to make, but to contrive an Escape from their Cruelty, or their Revenge. When Men were every where alarmed with a Design of a general Insurrection, and universal Massacre, he that was so hardy as to overlook this without a Concernment, must have an usual Portion of Wit to conduct his Courage; for my Part, I am so far from wond'ring that so many affrighted Persons should prefer an incommodious and insecure Passage by Sea, to so hazardous and terrible an abiding upon Land, that I do admire the insensible Stupidity of those who stayed behind. And now the Deputy having added 40,000 new-raisd Men to the Standing Army, 50,000 of the Rabble being furnished with Skeens and Half-Pikes, animated and secretly sworn by the Priests to extirpate all Protestants, making it a national, as well as a religious Quarrel (as appears by the Motto in their Standard set up in the Castle of *Dublin*, *Now or never, Now and for ever*) the Protestants in *Munster* and *Conaght* turned out of their Houses, despoiled of their Goods, and plundered of their Cattle; all Arms and Horses taken from those in *Dublin* and *Lemster*: a powerful and enraged Army falling into the Bowels of *Ulster*, ravaging without Check, or Controul, the naked, stript, and unarmed People flying before them to seek a Shelter in *Londonderry*, which could not contain the hundredth Part of those that retreated to it; there was nothing to be done (to escape a sudden Destruction by the Sword, or a lingering Death by Famine) but to fly over Sea, and preserve Life, which was all that was left them. As for the more unfortunate Remnant of the poor Protestants, who being either gull'd and intrapp'd by Protections, and reserved for Slaughter; or else denied a Licence to transport themselves that they may endure the Misery, and at last receive the Wages of Slaves and condemned Persons (which assuredly will

will happen, whensoever the Conquest of this Kingdom shall be complete, and the Government devolved on the *French*; or perhaps so soon as an Army from *England* shall land there for its Rescue) they are surrounded with such poignant Circumstances of Sadness and Sorrow that my Heart bleeds for them; and tho' I dare not trust to the Compassion or Prayers of those hard-hearted Men who find fault with us for coming away, yet I leave it to their Judgment to determine whether their Condition be not more desperate and deplorable, who have staid behind.

May the good People of *England* see, and be convinced (by the dismal Examples of *Ireland*) what would have been their Portion, if Popery had prevail'd, and a Popish King continued to reign over us. May they never be deceived by that impracticable Paradox, That the *English* Nation and the Protestant Religion can subsist, or be in Safety, under the Administration of *Frenchmen* and the Dominion of a Papist.

I have now wearied your Patience, and eased my own Thoughts. It shall be your Fault, if I be not always,

S I R,

May 27 1689.

Your most humble Servant,

A Journal of the Proceedings of the Pretended Parliament in *Dublin* from the 7th to the 20th of this Instant *May*; A Breviate of the late King's Speech; and the Speaker's Repeal of the Act of Settlement, and taking away the King's Supremacies, with the Names of the Protestant Lords Spiritual and temporal Sitting in Parliament.

ON *Tuesday* the 7th of *May* the Parliament assembled according to the Return of the Writs, at the Inns in *Dublin*, the late King being present with his Crown and Robes, attended by twenty-two Peers, Four of which were spiritual Lords *Protestants*, viz.

Dr. *Dobbin*, Bishop of *Meath*,
 Dr. *Wittenbal*, Bishop of *Cork*,
 Dr. ———, Bishop of *Limerick*,
 Dr. ———, Bishop of *Offory*.

And of the temporal Lords there were only four *Protestants*, viz.

Earl of *Granard*,
 Lord *Longford*,
 Lord *Howth*, and
 Earl of *Kingsale*

The

The late King made a Speech, in which he assured them he would consent to the enacting of such Laws as should relieve them which were prejudiced by the late Act of Settlement. Which done, the Commons proceeded to the Election of their Speaker, who after half an Hours Conference chose Sir *Richard Nagle*, who in Behalf of the Commons craved the four usual Petitions, which granted, the House adjourned 'till the morrow.

Wednesday the 8th, The Lords passed the Bill of Recognition of the late King's Right. The Ninth was Assention Day.

Friday the 10th, The Commons passed the Recognition Bill; on the same Day Sir *Ulic Burke* brought into the House of Commons a Bill for the repealing the Acts of Settlement and Explanation; which the House received with an Huzza, and then read a first and second Time, and ordered it to be committed.

The same Day some moved thereupon in the House, that nothing could be more advantageous to the King and Country than to destroy the horrid and barbarous Act of Settlement, as they was pleased to call it; and whoever should alledge the contrary shall be deemed an Enemy to both; 'twas moved by another Member, that the Act of Settlement ought to be burnt by the common Hangman.

Saturday the 11th, The late King gave his Assent to the Bill of Recognition, and adjourned 'till *Monday*.

Monday the 13th, A Bill with some Limitations was read in the House of Lords, abridging the Bill sent from the Commons for repealing the Act of Settlement, and only giving the old Proprietor a Moiety.

Tuesday the 14th, A Bill passed the House of Commons, empowering the King to dispose of all Patent-Offices in Possession or Reversion, after the 20th Day of *May* instant; and another Bill to bar all Writs of Error and Appeals to *England*, asserting that no Law of *England* can bind that Kingdom; both which Bills were sent up to the House of Lords.

Wednesday the 15th, A Bill was read in the House of Commons for repealing *Poyning's Law*, and also another Bill for giving the King 15000 *l.* a Month for one Year, to be levied on the Tenements, but to be allowed them in their Rents by their Landlords without regard to previous Courtails.

Thursday the 16th, A Bill was brought in by the House of Commons for raking away the King's Supremacies in Ecclesiasticks, and abrogating all penal Laws against Papists: In the House of Commons there are only five Protestant Members, viz. Sir *John Made*, *Joseph Cogblan*, Sir *Thomas Crosby*, *Arthur* —, *Jeremy Donovan*, Esq;

The same Day it was moved in the House of Lords, that all Absenters Lands should go towards Reprisals.

The King since the Session of Parliament has created the Lord Chancellor Chief Justice *Nugent*, Lord General, Mr. *Carty*, Sir *Valentine Braone*, Colonel *Luttrell*, Colonel *Sarsfield*, and about four teen more, Lords. The Act for seizing most of the Absenters Estates is since passed, and is so strictly put in Execution, that the Shops of poor Huckster-Women whose Husbands are in *England* are daily plundered, which makes *Dublin* ring with the Cries of the poor.

A Debate upon the Quære, whether A King elected and declared by the Lords spiritual and temporal, and Commons assembled at *Westminster* 22d of *January*, 1688, coming to and consulting with the said Lords and Commons, doth not make as compleat a Parliament, and legislative Power and Authority, to all Intents and Purposes, as if the said King should cause a new Summons to be given and new Elections to be made by Writs.

THAT the highest and supreme Court of this Nation (according to its ancient Constitution) is the Parliament, I need not now labour to make out; the present Business being to find out and discover the substantial and real Parts of a Parliament, for thereby shall we be satisfied touching the Question in Hand.

A Parliament (as Sir *Edward Coke*, in his Jurisdiction of Courts, fol. 1. tells us,) consists of the King's Majesty (sitting there as in his politick Capacity) and of the three Estates of this Realm (that is to say) 1st, the Lords spiritual, as Archbishops and Bishops: 2dly, the Lords Temporal, as Dukes, Marquisses, Earls, Viscounts and Barons: 3dly, the Commons of the Realm, (that is) Knights of Shires, Citizens and Burgeffes.

As to the Lords both spiritual and temporal, Sir *Edward Coke* in the same Place tells us, that every one of them being of full Age when a Parliament is to be held, ought of right to have a Writ of Summons to come to that Parliament. As to the Commons, he says they are respectively elected by the Shires or Counties, Cities and Boroughs by Force of the King's Writs. *Crompton*, in his Jurisdiction of Courts fol. 1. says, the high Court of Parliament is the highest Court in *England*, wherein the King himself sits in Person; and comes thither at the Beginning of the Parliament, and at the End thereof, and at any other Time when it pleaseth him during the Parliament.

To this Court come all the Lords of Parliament, as well spiritual as temporal, and are severally summoned thither by the King's Writ.

There is a Writ also sent to every Sheriff of *England* and *Wales*, to elect Knights for Parliament, &c. saith that Author.

But the Lords and Commons assembled at *Westminster* 22d of *January* 88. were not summoned thither by the King's Writ, and therefore, as is objected, though the King afterwards comes to them, yet such King, Lords and Commons cannot be a Parliament.

In answer to which, and to demonstrate whether upon the King's coming to and consulting with them, the King and them make a Parliament, I must premise

premise that in extraordinary Cases, such as of which there is no direct Example, we must take our Directions from the Resolutions and Practices in such Cases as come nearest and are most like to them; and by Consequences from thence make our Resolutions as may be most agreeable to Reason.

It is generally admitted, that in an hereditary Kingdom, if the King should die without any Heir either lineal or collateral, the Crown in that Case would devolve, or as it were escheate to the whole People and Nation; and that hereupon the Estates and Representatives of such a Nation may dispose of the Crown to whom they please, or quite alter and change the Government into what Form they think fit.

This hath been frequently adjudged and practiced, one Instance whereof was in the Emperor *Charles the Gross*, who dying without any Heir, the Kingdoms which were under him did severally chuse themselves Kings: *France* chose *Charles the Simple*: In *Italy* some chose *Berengarius*, and some *Guido*; and the *Germans* chose *Arnolph* Duke of *Bavaria* for their Emperor. *Ferdinand* King of *Portugal* dying without lawful Heir, the Estates of that Kingdom assembled themselves at *Goimbre*, and elected *John* the late King's Bastard for their King, and in their Decree of Election it is recited, that King *Ferdinand* died without any lawful Issue or Kindred, whereby according to the Law of Nations, it was lawful for them to chuse who they pleased for their King or Governor.

In like Manner, it is where a King doth abandon, forsake or desert his Government, by going out or flying out of his Kingdom without appointing any Guardian to protect and take Care of his People in his Absence, whereby the Throne is become vacant; in such a Case, the Estates of such a People may appoint another King or Governor.

And to come close to our present Case; King *James* the Second, whether out of Fear, or for what other Reason it is not material, but away he goes or rather flies out of his Kingdom; abandons, forsakes and leaves his People unguarded and undefended, at the Mercy of a foreign Army, even in the Heart of the Country; without so much as leaving a Guardian or Great Seal behind him: His great Officers and Ministers of State flying some one Way and some another. What could then be done but was then done? *viz.* Several of the Lords spiritual and temporal, many of the Knights, Citizens and Burgeses of a former Parliament; the Aldermen and divers Common Council of our capital City of *London*, addressed themselves to his Highness the Prince of *Orange*, desired him to take upon him the Administration of public Affairs both civil and military, for the Preservation of our Religion, Rights, Laws, Liberties and Properties, and of the Peace of the Nation, until the then intended Convention of the three Estates or great Council of the Realm: they also desired his Highness to send Letters subscribed by himself to the Lords spiritual and temporal that were Protestants to meet on the said 22d of *January*, at *Westminster*, the Summons to Parliament being always omitted to known Popish Lords since the Test-Act. And they desired his Highness to send the like Letters to the several Shires, Counties, Universities, Cities, Boroughs and Cinque Ports of the Nation, for electing of such Number of Persons to represent them, and to meet on the said 22d of *January*, for the Purposes aforesaid, as of right

were to be sent to Parliaments, with Directions that such Elections should be made by such Persons only as according to the ancient Custom and Laws, of Right ought to chuse Members for Parliament: And accordingly such Letters were sent, and due Notice given, and Elections accordingly were made, and the said Lords spiritual and temporal, and the Knights, Citizens and Burgeses so elected met on the said 22d of *January*: And after mature and deliberate Consideration, they Resolved, *That the Prince and Princess of Orange should be King and Queen of England, &c. for their natural Lives and Life of the longer Liver of them, and that the sole and full Exercise of the regal Power be in the Prince only, in the Name of both.*

Now after the Prince and Princess of *Orange* are proclaimed King and Queen of *England* as aforesaid, and he comes and consults with the three Estates so assembled, I would fain know what is wanting in that Assembly to make them a full and complete Parliament; or what can be had more than is in this Convention of King, Lords and Commons, if the said King should issue out Writs for calling a new Parliament? Certainly nothing more can be had material to the Essence of a Parliament.

If the substantial Parts of a Parliament be, and consist of an Assembly or Convention or Meeting together of the King and the three Estates, as I have shewed that it is out of the best Authorities we have, the Difference of the Lords and Commons being call'd by Writ or by Letter is nothing material since both Writ and Letter are to the same Effect; and in some ancient Records it is mentioned that Parliaments should be summoned by Letters, particularly in King *John's* great Charter in the 17th Year of his Reign, he promises to summon the Bishops, Abbots, Earls, &c. *per Literas nostras* by our Letters. *Orig. Jud. 17.*

The Prince of *Orange's* not being King at the time of his sending forth his Letters matters not, for he was the Person to whom the Administration of the Government was then committed.

It is evident, that in many Parliaments it was not so material how the King, Lords and Commons came together, as that they were together.

I dare appeal to any Man, if the Manner of calling together the three Estates of the Realm by the Prince of *Orange's* Letters was not a much fairer Proceeding, considering the State of Affairs, as to the calling of them together then, was in several Cases wherein they were never doubted, to be a Parliament when joined with a King. I shall instance only a few of many that might be named.

Edward the Second being imprisoned by his Queen, Son and Nobles, they issue forth Writs in the imprisoned King's Name to summon the Lords, and to chuse Knights, Citizens and Burgeses to meet at *Westminster* 16th of *Jan.* 1325. This one would think was pretty hard, and an absolute Force upon the King by making use of his Name against his Will, so that it could not be said to be his Act; yet the Lords and Commons being met, they deposed *Edward* the Second, and declared his Son *Edward* King, and this new King, and the Lords and Commons, so (as I may say) irregularly convened together, made several Acts of Parliament, and have been ever since adjudged a good Parliament to all Intents and Purposes without any subsequent Act of Confirmation.

In

In like Manner *Rich. II.* being taken Prisoner by *Henry Duke of Lancaster*, the Duke issues forth Writs in the King's Name (the King then in Prison) to summon the Lords and to elect Representatives for the People, to meet at *Westminster* 13 of *Sept.* 1399 These being met by this irregular Summons they depose *Richard* the 2d, and declare the Duke of *Lancaster* King; and that the new King, and the Lords and Commons so irregularly convened, being joined together, were and are to this Day adjudged, deemed and taken to be a good Parliament to all Intents and Purposes, without any Act of Confirmation by any subsequent Parliament.

The Lords and Commons assembled at *Westminster*, 25th of *April*, 1660, were convened by Writs in the Name of the Keepers of the Liberty of *England*, who were Usurpers; yet when King *Charles* the Second came to them, and they received him as King, he and they together were adjudged a Parliament and they enacted that they should be so taken, and they made many Laws, which immediately were put in Execution; and they continued as a Parliament, until 29 of *December* following, which was for above eight Months; but indeed most or all those Acts were afterwards confirmed by a subsequent Parliament convened by the King's Writs in *May* 1661. but that Confirmation, according to many good Judgments, was rather to satisfy some Scrupulosity than out of Necessity, most of the said Acts having in great Measure had their Effects before the subsequent confirming Parliament began.

If upon the Prince of *Orange's* being declared and proclaimed King he comes to the Convention of Lords and Commons assembled at *Westminster*: If the same Number of Lords be summoned thither that of Right ought to be summoned to Parliament, if the same Number of Knights, Citizens and Burgesses be duly chosen, as ought to be chosen, to represent in Parliament, then consequently there are all the substantial and essential Parts of a Parliament met together, and being so, where's the Necessity, where's the Advantage, where's the Prudence to dissolve these and thereby give new Trouble of new Summons, of new Elections, lose a great deal of Time, suffer irrecoverable Loss and Damage to *Ireland* and our Allies abroad; and after all, at the next Meeting, be but where we now are, as to the essential Parts of a Parliament, there being nothing more to be had at any other time, but what we have already.

I can see no material Difference as to the making of a Parliament, whether the King come to the Lords and Commons being assembled together and join with them, or the King, by his Writ or Letters call them to him: and therefore I conclude, if the Prince of *Orange*, after he is declared and proclaimed King, doth come to the Lords and Commons now assembled at *Westminster*, and advise with them, in that Instant that the King so comes and advises with them, they will be as good a Parliament as if he should issue out new Writs of Summons, and they should meet again by Force thereof.

A Relation of the Tragical End of some Persons of Quality at *Paris*, who, on the 8th of this Instant *August*, 1689, suffered for their witty Zeal the severe Revenge of *Lewis* the most Christian King.

ABOUT the latter End of the last Month three Persons of Quality were seized and committed to Prison at *Paris*, for a bold Attempt upon the Glory of *Lewis* the Great, the *French* King, especially at such a ticklish Juncture of Time as this is, when prophetic Hints are very ungrateful, now his ambitious Designs seem to incline to a Period.

They were, the Baron of *Killingsang*, a *German*; with the Marquis de *Pissentieux*, and Monsieur de *Feuillages*, both *Frenchmen*; and their Crime no less than the pasquinading the King out of his Title to his Crown, by comparing him with two other Competitors: The Pasquil was in two Languages, *French* and *Latin*, which for the Satisfaction of the *English* Reader, is now by an ingenious Pen translated into the third; all which are here subjoined.

For the unpardonable Offence of being the Authors, and of having affix'd this Satyr upon the *French* King's Statue, erected by the Duke de *Feuillade* in the *Place des Victoires* at *Paris*: The three Gentlemen were shortly after brought to a Tryal, and after a most severe Enquiry and Examination, by Way of the most exquisite Torture, two of them, to wit, the Marquis de *Pissentieux* and the Baron of *Killingsang*, were convicted and sentenced to Death, the third being acquitted for want of the least Proof, which in that Case would have been sufficient.

According to the Sentence pronounced against these two unfortunate, though well-meaning Gentlemen, they were on the 8th of this Instant *August* hanged in the Place where they had affronted the King in his Statue, and afterwards quartered, their Quarters being ordered to be publickly exposed a Fortnight to the view of the People, in the Avenues of the Place, which is a Spectacle so nauseous, that 'tis supposed few will be invited to gaze at it.

The Pasquil in FRENCH.
Louis, Jacques, & Guillaume
Sont trois Rois du même Royaume ;
Mais avec cette diversité,
Jacques ne l'a jamais été,
Louis en est toujours le Maître,
Guillaume le pourra bien être.

L A T I N.

Tres modo Francorum ostentant insignia Reges,
 Verus adhuc Princeps Ludovicus; túque Jacobe,
 Qui nunquam fueras nisi solo nomine; sed re
 Wilhelmus tandem, ni fallant fata, futurus.

E N G L I S H.

ENGLISH.

France totters under these three Royal Names,
 Great Lewis, Greater WILLIAM, Little James.
 Lewis still braves it, the possessing King,
 James only can an empty Title sing,
 For WILLIAM Fate reserves both Name and Thing.

}

The Translator's Descant.

How equally foolish are Titles and Things,
 Our James has three Kingdoms, and France has three Kings.
 The good People of France want Freedom and Bread,
 And James his three Kingdoms are dropt from his Head.
 Then he's surely happy, who truly can say,
 I've no Kingdom to govern, no King to obey.

The Follies of *France*; or, A true Relation of the extravagant Rejoicings that were made by the *French* King's Command, in most Cities of *France*, for the pretended Death of his Majesty (*William*, King of *Great Britain*) contained in a Letter, written from a Roman Catholick Citizen of *Paris* (by way of *Holland*) to his Correspondent in *London*. Translated from the *French* Original.

[The present Letter having very fortunately fallen into my Hands, I judged it worthy to be committed to the Press, that all the World might be informed of those excessive Transports, and other unaccountable Fopperies that were transacted in France by Order of the Court, upon the imaginary Death of King William; and particularly, because the Author seems to be so abundantly assured of the Truth of all these Proceedings, being an Eye-witness of them at Paris.]

Paris, August 8, 1690.

S I R,

I Have been very regular and constant in writing to you, nevertheless I was obliged to take some Time to put myself in a Capacity of satisfying your last Demands, that I might send you nothing but the Truth; and withal, a particular Account of every memorable Circumstance. You'll be no Loser by this Delay of mine, since instead of a bare Letter, you receive a Kind of an Epistle. However it is, Sir, you'll find an exact Relation of what I have either been an Eye-witness, or informed myself from unquestionable Hands upon this Occasion.

The

The Defeat of the *Irish* Army, and the Return of King *James*, was Matter of extraordinary Mortification, not only to our Court, but to all *France* in general: However this Consternation (Heaven be praised) was not of long Continuance, and our Sorrow was immediately converted into Joy, by Reason of the mighty News which the King commanded to be published, from the Twenty-seventh to the Twenty-eighth Night of the last Month, by the Cannon of the *Bastile*, which were discharged about three o'Clock in the Morning; and by the Commissioners, who at the same Time knocked at the Doors of every Citizen without any Difference, crying aloud with all their Force, *Arise, get up, and make Bonfires, the Prince of Orange and Marechal Schomberg are dead* This solemn Declaration, made by his Majesty's Order, obliged the whole Town to get up, and pass the Remainder of the Night, and the following Day, in Bonfires, and all other public Testimonies of Joy: One could hear nothing but Trumpets, Drums, Hautboys, Fifes, Flutes and Sackbuts; one could see nothing but Tables furnished in every Street, where Wine was not spared in the least. The religious Fraternities distinguished themselves, and particularly the good Fathers the *Cordeliers*, who spent all Night long a prodigious Quantity of Petards, and other Fireworks, in their Garden, and distributed their Wine about in Abundance. The same was likewise done at the Guildhall of the City, by the express Command of the Provost of the Merchants. All the People without Exception, and especially those of higher Quality, as they passed in their Coaches through the City, were stopped on their Way, and forced to drink a Health to King *James*, and the Prince of *Wales*, and to cry out aloud, *The Prince of Orange is dead*. They burnt the Effigies of the Prince, and his Royal Spouse the Princess, in several Places, as they had done before at their Bonfires for the Battle of *Flerus*, and the Naval Engagement. They dragged them through the City, where they made a solemn Procession; and there was neither Man nor Woman, great nor small among the People, who did not throw Dirt and Stones at them. Nay, their Indignation was carried higher, they hanged the Prince of *Orange* in Effigies in Abundance of Places; amongst the rest, they led him up and down by Way of Procession, with a Devil who was to carry him to Hell, having before him a Piece of Paper thus inscribed, *I have waited for thee these two Years*. During these mighty Rejoicings, they broke open the Houses of several of the new Converts, and particularly a Grocer's in the *Fauxburgbs* of *St. Germain*; they affixed to their Gates a Portraiture of the Prince of *Orange*, crying, *He's dead*. They demanded Money of others to exempt them from pillaging, and forced them to give it, after having committed a thousand Outrages on their Persons. In fine, Sir, I am able to acquaint you, That not the most advantageous Successes we ever met with, nay, not the Birth of an Infant of *France*, however it was universally desired, ever found so agreeable an Entertainment, which gave Occasion for one of our celebrated Poets to say:

*Though Paris such Triumph and Joy has express'd,
For the Prince that in Ireland was slain:
The News of his Death doth not half fill my Breast,
As the Fear of his rising again.*

You

You will see, Sir, a great Deal of pleasant Poetry on this Subject in a certain remarkable Paper, which I have sent you, composed after the Manner of an Interment, which they have made of the Prince's Body in *Ireland*; it being a very curious Piece engraved here in the City, by one of the most eminent Masters in that Art, and is every where publickly sold.

With this good News of the Prince of *Orange's* Death, we have received some other welcome Passages, as well from *Savoy* as *Germany*. If they happen to prove true, we shall scarce find Wood enough to furnish out our Bonfires; and we assuredly hope before the End of the Campaign, to have no more Enemies to exercise our Valour upon, let their Numbers be never so great.

These Revellings and Masquerades continued till the 29th of the last Month in this City, at *Versailles*, and *St. Germain's en laye*, where three or four thousand Persons being assembled together, they made their Supplications to King *James*, who arrived there on the 25th, to inform them, whether the News of the Death of his Son-in-law was certain; and some of the King's Officers assuring them that nothing was more sure, they made the same Rejoicing at *St. Germain's* as they did in this City; which Examples were copied by those of *Lyons*, where the Shops were shut up for the Space of three Days successively, as well as in several other Places, for the greater Solemnization of this Festival.

It was not only at *Lyons*, and other principal Cities, that the People testified so much Joy for the Death of the Prince of *Orange*, our irreconcilable Enemy: *Sedan* particularly distinguished itself among the rest, as one of my Friends, a Gentleman of very good Credit, acquainted me, who happened to be upon the Spot, when this Affair was transacting; and it was not many Days ago.

On *Sunday* the 30th of *July*, they caused such Bonfires to be made there, as they had never seen before upon any Occasion. The meanest Person was rated at a good round Sum to defray the Expence, without reckoning the Burgeses, who endeavoured all they could to outvie one another in the Magnificence of the Show. They were not forgetful to cause several Representations of the Prince to be made. His Highness was exposed to several Fires, having a Tobacco-pipe in his Mouth; he was carried to the two *Fauxbourgs* in a large Frame, and the Princess his Royal Consort, was after the like manner carried to the House of the *Capucins*; they had both of them Inscriptions before and behind, with these Words in vast legible Characters, *The Usurpers*. There was never a Person present, who did not pour forth some horrible Reproaches or other upon both of them. They began the Festival before the Lodgings of the Governor, with thirty Discharges of Cannon, and three Volleys of the whole Garrison. All the several Companies marched in Procession to the *Dauphin-Fountain*, which run with Wine in Abundance, and all those that had a Mind to it drank their Belly-full. All the principal Officers performed wonderful Things, and afterwards received a splendid Entertainment from the Governor. There arrived here a Courier with especial Orders, to signify to them the Death of the Prince of *Orange*. Immediately after this, the chief Magistrate of the Place published this agreeable News through the whole Town, with the Harmony of Drums, Violins, Hautboys, and Flutes, crying in a loud and intelligible Voice, *Come along, Gentlemen, redouble your Joys, that Tyrant the Prince of Orange is dead! the Usurper is dead! redouble*

double your Bonfires. Then the Artillery was discharged, and the same Instant, five Pieces of Cannon began to thunder, which extreamly affrighted the weak and giddy Multitude. This Triumph continued all the Night, till eight in the Morning, at which Time all the ingenious Wits of the Town laid their Heads together, to concert the Matter how they should order the Funeral of the Prince of *Orange*. A certain Spark, *Hamoir* by Name, began the Sport with making the Epitaph, which is such a wretched Piece of Stupidity and Dulness, that I would not give myself the Trouble to transcribe it for you. Another Virtuoso, whose Name was *Van Veld*, a Native of *Leyden*, made the Prince's Effigies, which had the Honour afterwards to be burnt. There was likewise another Picture of him, to serve at the Interment, at which entertaining Ceremony, every body was obliged to assist: They dragged it through the whole Town to the *Torcy*, then it was hanged with the Heels upwards for a considerable Space; at last it was thrown into the *Garene*, which is the Receptacle of all the Filth and Ordure of the City. There was a prodigious Concourse of People all the while; but he that made himself the most remarkable for his extraordinary Zeal, was the above-mentioned *Monf. Hamoir*, who carried about a certain kind of Kettle, in Shape somewhat resembling a Coffin: He had along with him a Company of Mourners; *Lepine* the Drummer, commonly called the Cuckold, had a Frying pan covered over with black Cloth, upon which he beat a very mournful Tune before the Corps, that was encompassed with a trusty Guard of Halberdiers. One *Jardon*, who was born at *Veroye*, and had been often at *Maastricht*, signalized himself very particularly in this honourable Action, by Abundance of foolish Things he both said and did, during the Time of this pretty Representation. The Women too had their Share in this Festival, my Friend assuring me, that there were several of them, who to celebrate the Show with that Devoir and Solemnity, as was requisite, abandoned themselves to all manner of Debauchery. The holy Fools of *Donchery* pursued the Frolick somewhat farther than those of *Sedan*; but the religious Lunatics of *Maizieres* behaved themselves so, as if they had been actually possessed. If I were acquainted with the Bravery and Valour of Gossip *Poncelot* of *Rhemes* upon this Score, I had not failed to send you a full Information. That which is exceeding remarkable in regard of the Couriers is this, that they arrived at all these Places exactly at the same Time, although they are not equally distant from *Paris*.

It is high Time now to draw towards a Conclusion, and yet I cannot prevail with myself to do it, without saying something of what happened at *Bayeux*, in *Lower Normandy*. About fifteen Days ago they solemnized the Death of the Prince of *Orange* there, with such an extraordinary Zeal, that one durst not contradict so ill grounded a Piece of News, without running the Hazard of being stoned. They ordered several Representations of the Prince to be made there; some of which were cast into the common Jakes, others were hanged, and some fell into the pious Hands of the Butchers, who divided them into four Quarters, after the same Manner as they serve the poor Beasts, who have tasted the Civilities of the Slaughter-house. In short, there is no Sort of Brutality to be imagined, which these well-bred Gentlemen did not commit upon this Occasion, amidst the Tumult and Hurry of so public a Rejoicing.

Neither

Neither was there less done at *Dieppe*, than at *Bayeux*, on the Score of this Solemnity.

The Name of the Prince of *Orange* is here become so odious and execrable, that they cannot endure to see him, so much as in a Piece of Painting. It is almost an Age ago, since at a certain House in *Dieppe*, there was set up the Prince of *Orange's* Head for a Sign. The Judge of the Town enjoined the Master of the House to take down the Sign immediately; the Master at first made some Difficulty to do it, representing to the Judge, that he ought to address himself to the Proprietor of the House; and that for his Part, he being but only a Tenant, the Expence and Charge was not in Justice to fall upon him. But all these Remonstrances were to no Purpose; he was obliged to obey without any more ado; and, by Order of the Justice, to set up the Prince of *Wales*, in the Place of the Prince of *Orange*, who was immediately hurried away to Prison, with beating of Drums, and other great Triumphant.

I have found all these Passages so very singular and extraordinary, that I was desirous to communicate them to you, who are my particular good Friend, and from whom I would willingly conceal nothing. If there should happen hereafter any thing, that deserves to be transmitted to you, I will not fail to oblige you with it by the first Opportunity. Entertain, I beseech you, Sir, the same Complaisance for your Friend, if any curious Matters should happen in your Parts. However, send me nothing which is not exactly true, and therein follow the Example of your most humble, and most obedient Servant. Farewel.

Observations upon the late Revolution in *England*.

IF it be true that Interest is often mistaken, though it never lye, and that Standers-by sometimes see more than Gamesters, though they do not understand the Game so well, it may not be false, that the politic Drivers of our late Revolution in *England* (who, 'tis to be feared, have too many of them designed their private Interest at least as much as that of the Public) have mistaken their Way to both, and that one who has been no more than an indifferent Looker on, and who pretends not to be clearer-sighted than others, has observed some Things which the abler Gamesters have not been aware of. Whether it be so or not, who pleases to read the following Observations may judge. I will preface no more to him, whoever he be, than that if he examine them, as they have done the Matter of Fact on both Sides, without Prejudice to any, he will judge the better; and that since my Kindness for my Friends and Country, is the only Motive I can have to expose my Thoughts of this Nature, he will be very unkind if he does not forgive what he does not approve.

First Observation.

THAT though Religion in the Contrivance of this Turn, was called upon at first to serve the Turn of Interest, as it has ever been put to do in Changes of this Kind, and did sanctify a little while the Pride and Ambition of private Men, with the Name of *Blessed Reformation*; and made Saints among the ignorant People of the worthy Gentlemen so qualified, it has nevertheless been treated by them with less Ceremony, than has been shewn it before on such Occasions. That Mask was immediately thrown off here, and Interest appeared bare-fac'd in every Body's Mouth from the very Beginning. Our true Protestant Generals and Officers from the first Removal of some of them from their Employments, began to roar Abroad without Ceremony, they would stand by their Religion, and show themselves Protestants to the last Drop of their Blood; for all their Commands would in Time be given to Papists. Our conscientious Lawyers upon the same Occasion declared in *Westminster-Hall* itself, they were fee'd by the Protestant Religion, and would defend it as long as they could speak, for Papists were setting up to run away with the Profits of that sweet Place, and all their beneficial Employments. Our reverend Clergy of all Degrees were provoked, both in Pamphlets and Pulpits, to pronounce to us the Danger our Religion was in, for *Magdalen-College* was already given to the Papists; and to tell us thereupon, they never meant by their Doctrine of Non-Resistance and Passive Obedience, which they had preached so long, not to stand up for their spiritual Preferments against any Antichristian King in *Christendom*, who would take them away. Our Lords and Commons of Business and Interest, of Estates and Pleasure, cried out altogether, they would have no Popery, for none but Papists could be heard, or looked upon at Court; and even those Gentlemen whom they had used to snub and threaten, from their Assizes and Sessions, with taking away their Catholic Houses, and two Thirds of their damned Popish Estates, came up now and nosed them upon all their Country Benches. In short, Men of War, Men of Law, Men of Gospel, Men of all Kinds, profess'd plainly to stand up for their Liberty and Property against their King; and that not so much by covering them, under the Defence of their Religion, as by discovering their Religion was to defend them. So that though Religion was advanced sometimes to lead up the common People, and marched along with Liberty and Property at the Head of Parties and Pamphlets, when there was Occasion to appear in Public, it was plain that my Lords and Gentlemen had no other Use of it, than to gull the Commonalty; and that the Profits and Preferments of the Government, to which the Laws and Possession gave them a Title, were the Things they would never part with, if any other King, or if no King, would preserve them to them.

Second

Second Observation.

THAT their Redeemer, the P. of O. had the same Occasion, and made just the same Use of Religion, as his religiously aggrieved Inviters and Assisters into *England*; his Declaration setting forth the deep Sense and Concern he had for it, as plainly as they could speak and write theirs. For, says that, (after it has run over many other Particulars of Male-administration, under the Name of evil Councillors,) *To crown all, there are great and violent Presumptions, inducing us to believe that those evil Councillors, in order to the carrying on of their ill Designs, and to the gaining of themselves the more time for the effecting of them, for the Encouraging of their Complices, and for the Discouraging of all good Subjects, have published that the Queen hath brought forth a Son, tho' there have appear'd, both during the Queen's pretended Bigness, and in the Manner in which the Birth was managed, so many just and ritish Grounds of Suspicion, &c. And since our dearest, and most entirely beloved Consort, the Princess, and likewise we ourselves have so great an Interest in this Matter, and such a Right, as all the World knows, to the Succession of the Crown, &c. Therefore it is, that we have thought fit to go over into England, and to carry over a Force with us, sufficient, by the Blessing of God, to defend us from the Violence of those evil Councillors. And we being desirous that our Intentions in this may be rightly understood, have for this End prepared this Declaration, in which, as we have hitherto given a true Account of the Reasons inducing us to it, so we now think fit to declare that this our Expedition is intended for no other Design, but to have a free and lawful Parliament assembled as soon as possible, and that in order to this, all the late Charters may be restored. And several other Things done, which he knew very well were done before he came over. By which Declaration, whoever observes that the Shoe pinches chiefly in the Point of the Prince of Wales, who put the Prince of Orange by his Hopes of Succession, even more if it were true, than if it were fictitious; and that therefore (at that time especially, when it was not to be imagined the Crown could be got upon any other Foot) it was absolutely necessary to make him appear fictitious if possible; and whoever considers these other Proceedings of the P— of O— upon all Occasions; the trouble he gave himself, of coming over into *England* about ten Years ago on Purpose to help forward the Bill of Exclusion against the Duke of York; his entering into a Conspiracy (which is averred from the Mouth of one trusted by himself at the very Time) for the Deposing K. Ch. II. his unwearied Diligence in thwarting every thing K. C. or K. J. had a mind to have done by their own Subjects; his great Goodness in providing well for all those Persons, who for some Goodness or other had incurred their Displeasure, and were banished or proclaimed Traytors by those two Kings; his Generosity in sending and making use of the Duke of *Monmouth*, like Foot of Whelp, to burn his Paws with setting up for King in *England*, without Men, Money, or Arms; his Courage afterwards, so much extolled, in coming himself, when being rid of *Monmouth's* Pretensions, he had the Consent of the greatest Part of the People and Army of *England*, and knew he was not to strike any other Kind of Stroke for it,*

than

than such an one as he gave with his Whip on a Gentleman's Shoulders at *Newmarket*, for riding before him, wittily enough observed then, to be the first he struck for the Kingdom; his great Care of *K. J.* when he was betrayed by his own Army, in sending him a *Dutch Guard* to *Whitehall*, at Eleven o'Clock at Night, without his knowing any thing of it; his kind Message to him after he was in Bed the same Night to begone out of his own House the next Morning, to the Dutchess of *Lauderdale's*, at *Ham*, for the farther Security of his royal Person, and to be sure to be gone early, lest he should be troublesome, by being in his Way coming from *Sion* the same Day to *London*; his Condescension afterwards, at the King's Request to let him go to *Rocheſter* instead of *Ham*, that he might, by his going away, make room for his Design of being King, which he was told could never be compassed as long as *K. J.* stay'd in *England*, let his Condition be what it would; his constant and firm Adherence, after the King's Departure, to his Declaration (the Confidence of which had drawn in all the People to him.) First, in his calling a free and legal Parliament, than which he declares to have no other Design. Secondly, in the particular Care he took for electing to his Parliament, called the Convention, all true Churchmen, all such as had been discountenanced, or brow-beaten before, in the Way of Outlawries, or so, by King *Charles* the Second, or King *James*; all such as could possibly be found, who had any Hand of their own, or Relation to those who had, in bringing his Grandfather King *Charles* the First to condign Punishment. And thirdly, in his not suffering any Business of the Kingdom to come before or be thought of, by his honourable Convention; not so much as his dearly beloved Consort the Princess, who, tho' she was graciously mentioned in his Declaration, to have so great an Interest in this Matter, and such a Right as all the World knows, to the Succession of the Crown, was not then permitted to come into *England*, till they had alter'd the fundamental Constitution of the Government, and made him King in his own Right; his transubstantiating, (as it has been call'd) when he was King, the same Convention into a Parliament, without Writs or new Elections, lest he should not get the People, who had been deceived by their Conventiſary Members doing what they never dreamt of in making him King, to chuse such Parliament-men as would serve the turns he had to come hereafter; his plain Proofs he brought to them when they were a Parliament, concerning the Fictitiousness of the Prince of *Wales*, according to the last promissary Clause in his Declaration, in these Words: *To this Parliament we will also refer the Enquiry into the Birth of the pretended Prince of Wales, and all Things relating to it, and to the Right of Succession*; his Choice of Men of Honour for the new Honours he has bestow'd; his filling all Places of Trust and Profit throughout the Kingdom, as far as could be found, with Persons of the Church of *England*, and of good Life and Conversation; his sending out of *England* even for Mr. *Ludlow*, one of the Regicides of his Grandfather, attainted and condemned by Act of Parliament for Hanging up without a Tryal, to be advised with, if not preferred in the Government here; his free disinterested Submission of this Kingdom's Business to this free Parliament, without any of those Tricks as were played by former Kings to influence or byass the Members, as appears by its being so well an officer'd Parliament, as it has been observed to be in the House of Commons

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itself ; by the Lord's Sons he has called up, and the new Peers he has created, by his sending his own *Bentinck*, whom] he never parts with, when he has no particular Interest driving elsewhere, out of his Closet, to Vote for Mr. *Oats's* being a good Evidence again ; and by his turning an honourable Person, (who did him the first, and most remarkable Service of any Man in *England*) such an one, as without which, in all Probability, he had had but little Power over Employments in *England*, out of a very good one, for no other imaginable Reason, than for going in Parliament according to his own Judgment and Conscience ; his religious Way of taking and keeping Coronation Oaths in *England*, to defend Episcopacy, and the Church of *England*, as established by Law ; for the special Performance of which, all *England* sees itself obliged to his weak Endeavours ; in *Scotland* to abolish Episcopacy, Root and Branch, and to establish a Church more conformable to the Word of God, for the godly Performance of which, all *Scotland* see no Church at all. To conclude, upon this whole Matter, it is observed, that his *Dutch* Highness, as well as his *English* Factors, consulted his private Interest and Ambition in the Redemption he brought to *England*, at least as much as he did the Good of Religion, or the Interest of the Kingdom.

Third Observation.

THAT as the People of *England*, and the P. of O. have luckily done their Business (as they think) with consulting their Interest too much, and Religion too little ; King *James* unfortunately did his, with consulting his Interest too little, and Religion too much ; and both together have drawn such a Prospect of Confusion and Destruction to the whole Kingdom, as *England* itself (to speak a proud Word) never saw before : And yet it is not easy to lay the Saddle on the right Horse, or to say on what, or on whom, to cast the original Blame. For as it is known on the People's Side, how well the Parliament behaved themselves towards the Duke of *York* (notwithstanding the crafty malicious Endeavours of that Time to the contrary) how they refused to pass the Bill of Exclusion brought against him, on the Account of Religion, before his Accession to the Crown ; how they settled him in the Throne when he came to it, with that Reverence, that Security, that Joy in all his Subjects, as never King met with more : how firmly they stood by him in that early Rebellion of the Duke of *Monmouth* ; how the first Parliament of his time, laying aside their Apprehensions of Popery, they unanimously settled a greater Revenue upon him than any of his Predecessors had, during Life, a thing which our Protestant *William*, with all the Advantages of the Redemption he comes with, cannot compass now ; and how, according to the Opinion of very wise Men, far from being prejudiced by his Religion. He might (if well desired) have made himself safer and greater yet, by being a *Roman Catholic*, than if he had been a Protestant ; so on the King's Side, it was even confessed by unbiassed People, that he had the publick Virtues of a King, and the private ones of a Gentleman ; that his Courage, Constancy, Justice, Liberality and Frugality, in their due Places, befitted him more properly for the Government of *England*, than any King perhaps, who governed it before himself

himself (however he might be deceived) he generally aimed laboriously at the Good and Glory of the Nation. But where-ever the Fault lay, or however we call it, Fault or Misfortune of the King or of the People, the Matter of Fact was, the People changed from the best to the worst Opinions in the World, of the King, and proved the Citizens in the Parable, who sent their absent Lord word, *We will not have this Man reign over us*; nor could the Wisdom of those who foresaw what must happen, stem the universal Tide. Only thus much I think will appear to be Truth on both Sides, that, as Kings are more exposed than other Men, to the Delusions of disguised Craft, which seeks to impose upon them with a restless Importunity, King *James* might possibly hearken too much to mistaking Priests at one Rate, and to misguiding Ministers at the other: The first whereof knew not how to drive his and their own Interest together, as they meant to do, and the last meant to drive their own, though they destroyed his, as they did; and that the People, though they might possibly find enough from this Conduct of his, to justify themselves for changing their first Opinion of him, and for standing upon the Guard of their Religion and Property, as far as the not contributing to the Destruction of them, amounted to (which alone, *viz.* their peremptory refusing to repeal the Laws, or to act against themselves, had evidently brought the Papists to the End of their Contrivances, and had done the Business for the Protestants, without going any farther) yet, I say, those who are concerned, can never be excused in the Length they have gone since, from having done Things contrary to the Duty, the Conscience, the Religion which the Protestants of *England* have ever profess'd, and from being guilty of acting those Crimes, for holding of which only to be lawful, we have so severely decry'd, and pronounced Sentence of Damnation against the Papists. But it is not the Business of this Paper to insist upon that; our present Reformers, as was said at first, having all along insisted upon Interest more than Religion, and that Work being performed already (I fear unanswerably) by the Author of the *History of Passive Obedience*, and by several other Hands much fitter for it than mine, I am sure, that which is given for Answer, by some unknown Hand, to that Book, That King *William* as a foreign Prince, has made an absolute Conquest over King *James*, though he did not over the People, and that therefore the Allegiance of the People, and the Oaths they took, are transferred by Force, when the People are not forc'd, from King *James* to King *William*, is such Stuff as those Gentlemen themselves will not own before People of common Sense, though perhaps it be as much as is to be said for the Matter.

Fourth Observation.

THAT setting aside the Question, whether the Proceedings of the People of *England* have been just or lawful, it is observed that what they have done, is directly against their dearly beloved, and espoused Interest, and worse for themselves, in the same kind, than any Inconveniencies King *James* could have brought them under; that is to say, that those very Inconveniencies, of what kind soever they were, which they apprehended from him, (and every body knows they were not more than apprehended) are actually insupportable under
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this Change of Government already, and that they will grow worse and worse still, without other Remedy than restoring him again; which will appear best by comparing what we feared then, with what we feel now.

We fear'd for our Religion then, and have we no Reason to fear still? It is absolutely certain, that Religion, as ill Luck will have it, of all others, not excepting Popery itself, the most unrelentingly impatient of induring any Worship or Authority but its own, should want Credit, with a Prince born and bred under it in *Holland*, and brought chiefly by its Well-Wishers into *England*, to turn both his Power and theirs towards its Establishment here. It is certain our Liturgy shall always continue, which there has been dangerous, not to say illegal Commissions given out already to alter. That Episcopacy shall stand firm in *England*, which has been so early abolished in *Scotland*. Or if it do stand for a while, that Compliance with the Court-Interest (as necessary an Ingredient, and as shameful a Blot as it was said to be in King *James's* Days) shall have no Hand in making of Bishops in these Days. And if Bishops do preach and teach a new complying Doctrine, is it certain the People will always believe and practice the stubborn old? The Doctrine of not resisting lawful Princes, being plainly against the Interest of a Prince made against Law, may we safely count upon it, that that Church which has ever taught that Doctrine, shall be always prefer'd by a Prince who has not been altogether so unmindful of his Interest as his Predecessor, and who sees besides, he shall not at all disoblige his Protestant Allies, by trimming our Church more after their Cut? We see the contrary to all these already: We see every Bishop, chose since our Reformation, of another Stamp than of the true Church of *England*, such as have been ever blown about, not only with every Wind of Doctrine, but with every Change of Government, such as are more intent at present to mend our Religion, and make new Doctrines for us, than to preach the old, or to teach us to mend our Manners. In short, we see all Church-Preferments, and all our religious Favours, bestow'd upon Persons, if of any Religion, of that of the Court; and our Receipt to cure our Fears, as to this Particular, has to my thinking, neither taken away, nor lessen'd them, but only changed them from *Popery* to *Presbytery*, which is at least as bad as the other: I wish the *Presbyters* be not so much the more dangerous of the two, as they have more Hands, more Cunning, and more Credit in *England*. For does the Dissolution of the late Parliament, which I confess was in Being when the foregoing Observations were made, or the new proffer'd Kindness to the Church of *England*, afford any reasonable Ground to make any Recantation. King *James's* sudden caressing the Dissenters, when the Church of *England* would not serve his Turn, was too well understood by all Parties then, to let the same Trick revers'd pass upon any now: A trick, which in plain *English*, is just the Compliment of one, who having Occasion to borrow Money, and being disappointed by *John-a-Stiles*, would have *John-a-Nokes* take his Application to him for a great Obligation. Others had the first Refusal, and now, dissenting Measures unluckily proving False, a sudden Fit of Kindness honours the Church of *England*, with an Offer of the Glory to enslave the Nation, and destroy herself, when the chosen Confidants, it seems, would not, or could not do it. But I hope, I need say no more, either to put Church of *England* Men in mind that

the P. O. having lately found he is not strong enough yet, to root them out here as he has done in *Scotland*, is about to require another present Supply of Money, his Revenue during Life, and their passive Obedience again from their Hands, to enable him to do it; or to let Dissenters see that he will sacrifice them to his own, to their Enemies, or to any thing that affords the least Prospect of advancing his A——y Ambition.

We fear'd for our Liberties; and our new Expedient to preserve us Freemen, is to teach and preach up a Conquest, and to establish martial Law. 'Tis a little surprizing, that we should take our Freedom to be secur'd by Courses, which all Nations besides are persuaded takes it away. But if Conquest do indeed make our Liberty greater than a lawful Succession, I am of Opinion it would be sweeter, and relish better if we were not clapt into Prisons, for refusing Oaths against our Consciences; if the Benefit of our *Habeas Corpus* had never been denied us; if free-born *Englishmen* had never been spirited away with Pistols at their Breasts, out of their native Country, to maintain foreign Quarrels with their Blood, and this too without any Necessity, since Nobody can deny, but the 8000 *Danes* brought hither, might altogether as fully have performed our Articles with *Holland*, and left *England* to be defended by so many *Englishmen*. I confess this compulsive Liberty I now enjoy, of opening my Purse as wide, and as often as a certain Number of Men please, to whom the Law gives no Authority over it, and being subject to my next Neighbour's Good-will, whether he will ask me a Question about Oaths, and send me to Prison if he do not like my Answer, is not according to my Taste; and I fancy the Liberty which the Protestants of *Ireland*, have at present out of their Country and Estates, does not, or at least, will not long agree better with their Stomachs. In short, my Dullness cannot comprehend, if Force upon our Consciences, our Persons and our Estates, be the true *English* Liberty, that it is so much better than our former Slavery, as we have and must give to boot.

We fear'd for our Properties. The Cargoes and Hulks of Ships enough to make, they say, a tolerable Fleet, and fight us with our own Ships, was once an *English* Property; is it a Jot better secured to us by being in the Hands of the *French*? Was the Gentlemen worse in his Property when his Pound of Rent put 20 s. in his Pocket, than since it puts but 14 or 15? Was the Merchant worse, when in Peace with all the World, he had the Sea and foreign Markets open to Trade, than now with his Liberty to walk the *Exchange*, idle, and talk of News, not daring to venture a Ship abroad? Were the Countrymen worse when they had Merchants at hand in all Places to take off the Product of their Lands, or Fruit of their Industry, than now, when after they have wrought hard all the Week, they have their Labour for their Pains on *Saturday* Nights to feed their Wives and Children? For I see not how it can be otherwise, unless foreign Merchants who can trade, take the more Compassion on us, and be content to buy our Wares at their own rate. Property sure might be as safe by keeping Trade in our own Hands, as by passing it into our Neighbours: And the Way we take, to my Eye, shows directly like his in the *Poet*, who would needs kill himself for Fear of dying; for we have just lost our Properties for fear of losing them: They are, and will be evidently less, by so many Millions as have been, and

and must be given out of them; and so much decreased, is so much lost in my Arithmetick. I should never have thought diminishing the Stock had been the best Way to encrease it; when we take out so much, only to enable us to venture the rest upon the Thing in the World the most uncertain, the Chance of War. As beating makes Children learn; if we should beat the cowardly *Irish* into an Humour of fighting at last; if King *James* should find more Friends than we yet discover: In a word, if he should prevail any Way at any Time, we shall have secur'd the Remainder of our Properties which the War, in the mean time shall leave us, very fairly, by exposing them to the Courtesy of the Man we fear'd, and by forfeiting them legally to the Law, with which we will not have him dispense. However it go, I, for my Part, do not think the Event of a Battle good Security, and could be every Jot as well content to fear for my Money and receive it, as not to fear and go without it.

Lastly, we fear'd for our Laws, not so much I believe for what was done, as for the Manner of doing it, for I am perswaded a good Part of what King *James* did, might have been done for him in a legal Way, and with the Consent of the People; but when we saw him assume a dispensing Power, not vested in him by Law, we were sensible that the same Power which over-ruled one Law, might over-rule another, and all, and fear'd the pernicious Example: This, I think, was the Case and the Disease. The Antidote now which we have taken against the Poison of this bad Example, is it not an Example as bad, or worse, and our remedy against one illegal Power, which we have pull'd down, a setting up another altogether as illegal?

For the Law acknowledges not for a legal Parliament, any Number of Men, who are strong enough, a legal Call; no, tho' they convene in the Parliament-House, and vote themselves a Parliament, nor that Man for a King, whom the Law places not in the Throne. Unriddle me now, who can, in what an illegal dispensing Power, was more dangerous to our Laws, than an illegal enactive, or an illegal executive Power is; or in what the abdicated Example of *K. J.* to dispense with some Laws, was worse than the Example set up now, by which any Number of Men who are strong enough, may assume an absolute Power to dispose of all our Laws, our Religion, our Bodies, Consciences and Purses as they please, with no more Ceremony than the Formality of a transubstantiating Vote. A Liberty and Property-defending Army of *Englishmen*, has done little less within the Memory of Man, and if our *Dutch* Redeemers should take it for the Fashion of the Country, and to compleat our Redemption, set up for the Parliament of *England*, which Way can we plead our Laws in Bar to them, which we have over-ruled already our selves? In short, Illegality is always Illegality, and if that were the intollerable pernicious Thing before, it is so much the more intollerable now, by how much a legislative Illegality is more pernicious than a dispensative one, and an usurped executive Power, more dangerous than a legal one; and yet the Wisdom of our *Fears* has drank down one, as a destructive disturbing; and the other, as a healing settling Draught. I am far enough from Kindness to either, but I will say for the destructive one, that it has been, at least, the more modest of the two, for it only made bold with a single Superstructure, by dispensing with the Test-Act, without which our Government had stood many a

fair Age, and that too with a Pretence on its Side of its being Law, in the Interval of Parliament, and of referring it to a Parliament when it met; whereas our settling Illegality has fallen confidently upon the very Foundations of our Constitution, and pull'd them quite away. The *English* Government has hitherto stood upon these fundamental Maxims, *That the King never dies, and that all Authority is derived from him.* For our wise Ancestors were so sensible of the ruinous Consequences of *Interregnums, Elections, Seditions,* and saw so well that Nothing could prevent them but a legal King always in being, that they would not allow to Death itself, with all its irresistible Power over the Man, any Power over the King, but made the same Moment which received the last Breath of the Man breathe his regal Power into the next of Blood; and then placing the Fountain or all Authority in this immortal King, stopt up for ever all pretending Streams of Sedition. By this it was made impossible, for any Pretence to cheat or hinder the People from distinguishing the Seditious, which they were to avoid, from the just Power which they were to obey, there being no more to do, but to ask which flow'd from that Fountain which they had contrived should always run. Now we have introduced vacant Thrones, filling them as Pleasure or Humour, not as Blood directs, and a new Power over our Fundamentals themselves, not derived from the old only Fountain; and now to make the Hinges strait, upon which how much soever they were sway'd before by dispensing, our Government still moved, we have knock'd them quite off. I will not be the melancholly Prophet to foretel what will be the Consequence, but leave every one to guess, who will reflect what they have seen and felt in one Year's Time.

Fifth Observation.

THAT already no Man can count upon Law or his Estate, or know what either is; for Judgments of all kinds given in our Courts of Justice (if we may believe Lawyers) according to Law, are reversed, and discharged without any Exception shewn to them; and our Estates are less than they were last Year by a Fourth, and to some a third Part. No Man can promise to lie in the same Bed at Night out of which he rose in the Morning. For if a certain Gentleman called a Serjeant at Arms (who has walk'd the Streets more frequently this Year than ever, upon those Errands) invite any Passenger to his Lodging, there is no refusing his Civility. The Height of Merit, the Spirit of Soldiers to serve their King and Country is become a Forfeit of the Right of a free-born *Englishman*, no Man being able to say he shall breathe his native Air, as long as there are Quarrels abroad, in which his starving, or knocking on the Head may be useful. Our general Liberty of Conscience is confin'd to those who make none of Perjury, or find hard Expedients, to avoid it; not that the Government receives any Security from Oaths; for as the Oath of a Man perjur'd in any Case, is no Evidence, there can be no Security in that Oath which is the Breach of a former, nor Confidence in that Fidelity, the Promise wherof is itself Infidelity, 'till I can be convinc'd at least by one Example of a confiding Man, made so by swearing, who was not so before; I shall as soon take the Oaths to this Government (which I think I shall never do) as believe the Go-

Government takes them for any Security, especially while so many think it sinful to take them, and yet a great deal more sinful to keep them; or at least, as I heard a very understanding Man say, not long ago (reflecting upon the Capriciousness of our present Circumstances) while Men think they shall starve if they do not take the Oaths, and be damn'd if they keep them. But perhaps a Conquest may not seem complete to our Conquerors, which overcomes not our Consciences, as well as our Country; and it may be as useful, if it can be compassed, as insultingly pleasant to evince the World there grows not now a single Plant of unshakable Honesty in this Kingdom, that so it may appear charitable and necessary to cut down our cumbersome Stocks of *English* Growth, and plant us, or at least engraft us anew with Strangers, to make the Nation flourish.

Sixth Observation.

THAT tho' we thought to make our Court to our new King by deserting our old, as we are generally an honest upright People, our Consciences possibly, if they were not ashamed to speak, could tell strange Stories of the Self-Denial this Compliment cost us, and the hard Shifts and Pains many of us made, and took to mortify the struggling Rebellion of Nature against that which we unnaturally hurried ourselves into against our King. And for getting the better of ourselves, for the Fruits of this glorious Victory, our Ears tell us every Day, that Cowardice and Treachery (reproaches heretofore unusual to *Englishmen*) fly in our Faces from the Mouths of our Conquerors, from such of them at least as cannot be hindered from saying what they think, which is enough to instruct us what the reserved rest have to say, whose time it is not yet to speak their Thoughts. Our Eyes tell us, that no *Englishman* is trusted in any thing, no not those who for Form-Sake sit in Places of Trust, for as our *English* Estates are often settled in Trust, our *English* Trust itself is in Trust now; the fine Titles worn by our Ministers and Privy-Counsellors of *England* being Nothing but gay Liveries, to make them show the handsomer Tools to finish up the Work cut out by *Dutchmen* in the Closet. And our Reason will tell us we cannot complain, nor expect it ever should be otherwise. For no wise Prince will trust a Man whom he has Cause to suspect will not be true to him; and our *K. W.* cannot forget that he was not born in *England*, that he did not inherit the Crown, that he cannot reign without Wars and Taxes: and that therefore he cannot (tho' he would never so fain) securely count upon those Men, whereof every one who presents himself for Employment, must of Necessity come with this Speech in his Mouth; You, Sir, are King *de Facto* and may be sure of me; for I am just come from being false to a King *de Facto*, and *de Jure* both, who was my Countryman, besides, twenty to one, my particular Benefactor, and whose Reign was a Reign of Peace and Plenty. Our Compliment therefore has put an inevitable Necessity upon our new King, never to trust us to counsel or fight for ourselves, but under a sure Guard, and to furnish himself with Store of foreign Heads and Hands, to carry on the Interest of *England*; at which we are neither to wonder nor complain, for Necessity has no Law.

Seventh Observation.

THAT all this Mischief cannot follow only (as some would have, and do infer) from K. James's going away, called *Abdication*; for tho' Abdication is a hard Word, which I will not pretend to understand, because my Dictionary does not, I am sure it means not what his going away plainly was, trying to escape a foreseen Restraint, and escaping at last an actual one. But I guess what they would have meant by it is, that K. James when he went away, ceased to be K. some Way or other, which yet was neither giving away out of Liberality, nor selling for Money, nor losing his Crown by Chance, nor forfeiting, nor surrendering, nor dying. But what unintelligible Way soever it were, the Moment in which he ceas'd to be King (according to our Constitution) some other was King; in which Case we had no more to do but to let our Government move upon the old sure Wheels, and our Happiness would have gone on along with it under the new King, whom God and Nature, and the Law of *England* have always in Readiness for us when the old fails. So that let abdicating signify what it will, I see no Necessity of shaming our selves with the Imputation of a faithless, simple People, neither to be trusted by any King, nor so much as with our own Concerns and Interest? No Necessity of Foreigners, and the Calamities they must bring along with them? None of subverting the Foundation of our Constitution, and crushing ourselves with the falling Building? It had been but keeping the Laws, and they would have kept us. But as we have handled the Matter, with our anteponing and postponing, we have brought the Government of *England* to the domineering of a pure Mobile, with all their Whimsies, and all their Violence, with only a more formal Outside: for there is no such Thing as a Government left, to which any body is obliged to submit for any Reason but Fear: No such Thing as Law, which has been, or can be legally made or executed; and let a Man have deserved to have been condemned never so much the last Year, he needs his Pardon who condemned him. In short, we are absolutely in the State of Nature before Society, where all the Power which one Man had over another was his greater Strength, and all Authority Violence. 'Tis by Violence K. W. calls Conventions and Parliaments; and Violence is all the Validity of their Acts. They have no other Authority than the Laws which Thieves make among themselves to rob the more methodically and safely; and we submit to both, for the same Reason, Fear of worse. Violence seizes our Money and our Liberty, and we yield to it, just as we suffer stronger Highwaymen to bind us and take our Purses. Were the just Scales of the Law in Use, (for the dispensing with which in one Particular we were in such Frights before) every Order now for a Tax, every Assessment, every Collection, and perhaps (if Necessity help us not off) every Payment would weigh more than Felony, downright Treason: And what the Men of Might do to us, every one of us, who happens to be strong enough, may with as much Right do to them.

Eighth Observation.

TO conclude: Here we are, and here we must be eternally, till we learn Wit of a Carter, and set the over-turn'd Cart on the Wheels again; in plain Terms, till we re-settle King *James* on his Throne. The Happiness of *England* depends upon a rightful King, we see it always went out with him, and 'tis in vain to hope it ever will, or can return without him. So our Constitution, so the Temper of the People is made, and by a long and sweet Experience, inflexibly settled. Hither it must come at last, let us torment our Brains never so much, and whirl them giddy in the endless Windings of projecting Policy. We had a great deal better therefore save ourselves, the Treasure, the Blood and Misery, which struggling vainly against it, will cost us, and embrace it unanimously at first. Perhaps we have no Time to lose; Foreigners swarm in upon us daily, and if they become too numerous for us to master them, they will, in spite of our Teeth, master us. But it is not yet too late, I hope to shake off our present, and prevent our future Calamities, if we be not in love with them.

We may have a lawful Government, and true Parliaments again, Security of our Religion, Laws and Rights, and be once more the Freemen we were born, re-enfranchiz'd from Wars and Taxes; for all these Things are Waiters in ordinary, and return with the King of course. If any Remnant of our former Fears hangs still uneasy about us, he is not so far off, but a willing Mind may have Recourse to him, whither he has more than once invited us for that Purpose, and be eased. And it is not now to be suspected, he will boggle at condescending to any Thing that is reasonable in our Fears, much less that we shall ever have Reason to complain hereafter of Non-performance. For as there is no Security like Interest, and he cannot but be sensible of it, who sees that not to keep his Word, is not to keep his Kingdom. If we have but Wit enough to judge as the wise *Romans* did, even upon the Suggestion of a conquered Enemy, that a reasonable easy Peace on both Sides, is sincere and lasting; an unreasonable grating one on either Side, of no longer Durance than till the next Opportunity for War, and so keep ourselves from grating unreasonably upon him; the Wit of a burnt Child in him, will set our Hearts at rest for that Matter: But have him we must on any Terms, or be the most wretched Nation under the Sun: For the Fire of War is kindled, which of Necessity must otherwise consume us. As it has taken first in *Scotland* and *Ireland*, it has hitherto singed us in *England* only at a Distance, but when the Flames spread hither, if it be not presently choaked, it must entirely devour us. Alas! it will not be as in our late Civil Wars, where the Enemy was always a Countryman, often a Kinsman or Friend, but never without Compassion for his own Nation and Language; and yet even those Times are remembered with Horror. Foreigners now will be the main Body, the *English* but a thin Sprinkling in the two great Armies, which must fight the Quarrel, and decide the Fate of *England*. Both Armies must live on us, and yet how shall we pay them, when every Redcoat that passes takes the Horses out of the Plough, the Corn out of the Barn, the Cattle out of the Field, the Ware out of the Shop, and when in the general Tu-

mult,

mult, in every Corner of the Nation, here is no levying Money though we had it? Of Necessity, then, they must pay themselves and come to free Quarter, and Contribution, and Military Execution; Terms of Art, which as we only find in Gazettes, every Body perhaps does not know,; that free Quarter signifies so many Meals of so many Dishes, with so much Money under the Trencher; Contribution, so much assess'd upon the neighbouring District by the next Garrison, as that Garrison thinks fit, which if it be not brought in by a Day, is collected by what they call Military Execution, that is, by carrying away all that is moveable, and utterly destroying the rest. All this is regular Proceeding in Soldiers, but we must be at the Mercy of every struggling Party besides, for there are no strong Holds here as in other Countries, to shelter People and their Goods from sudden Storms; and for any Shelter from the Law, it is to add Scorn to the rest of our Miseries, to talk of Law to a Soldier. How shall we *English* bear more than other Countries, who cannot hear of the Miseries they endure without Compassion for the Sufferers, and Indignation at the Doers? We who cry'd out upon *England* as a ruined Nation, if a Soldier who stole a Night's Quarter, or a Pot of Ale, took Sanctuary under his Colours, which, contrary to the King's Directions too, as is confess'd since, protected him often with Design that we might cry out the louder. As bare Relation of our Neighbour's Misery is nothing to feeling it ourselves, we shall be much otherwise afflicted, when our own Persons are seized, our own Goods partly plundered, partly destroyed, and our own Houses fired. And this Affliction too (unless King *James* end it) must be like that of Hell, without Hope of End, for it must of Necessity last as long as he lives, or any of his Posterity, who takes Place of our new coin'd Succession; and yet who can answer, that a regular War shall be our only, or our greatest Misery? If desperate Sufferings should grow into desperate Rage, and that Rage begin to think of the Authors of those Sufferings, believe me I should be ill at Ease with Fear, lest lawless Oppressions should meet with lawless Revenges, and *De Witting* be learned of our Masters in more Senses than one, which God forbid should happen to any, however the Devil has made them deserve it. I hope the most Guilty will go quit with the Infamy of their Crimes, which will never forsake them; and what a Brand to themselves, and Reproach to their Descendants, must the Names of those needs be, who skrewed themselves into an Authority abominably lawless, only to use it extravagantly ill, who with their Taxes half ruined us before-hand, to nourish a War which should ruin us altogether, and who, while they made so bold with our Estates, paid not a Farthing out of their own; for Officers paid Taxes for them, and rewarded them for taxing us besides, who seized on the Government only to pull it down, not sparing the very Foundation, that we might be irrecoverably miserable; and for a Prelude to much worse, have already fixed their Infamy upon the whole Nation. We live in an Island, where conversing only among ourselves, we are apt to think the World goes as the Cry goes with us, and perceive not how abominably we stink in the Nostrils of all Mankind; besides, not excepting the very *Turks*, nor our delivering Masters themselves, for the Glory of wearing whose Chains, we have made ourselves so wretchedly despicable. Not to flatter ourselves, all *Europe* loaths a Nation, which having murdered one King, is now murdering
another,

another, and that not by a ragged Mobile whose unthinking Fury starts more excusably into horrid Crimes, but by a Mobile of another Make, a Mobile of Honour dressed up in the Wisdom and Devotion of the Nation; a thinking godly Mobile, which kills in cool Blood, and fasts and prays to sanctify the Murthers. To be plain, all *Europe* hates our Hypocrisy, who pretending Zeal for the Protestant Religion, are all the while worse than the very worst of Papists.

Alas! that *England* should for our Sakes, bid fair to lose its old Name, and be known hereafter by the Name of the *Barbarous*, the *King-killing Country*, and our Religion the *Faitblefs*, the *Hypocritical Religion*.

But it is time to end, and I will if I can end with Demonstration. It is Demonstration that, unless we recover our old Constitution by Consent, we must, besides the intermediate Miseries, sink at last under arbitrary Power. It may be monarchical, and it may be Republican. But Arbitrary it must be, if we suffer it to come either to a Conquest of King *William*, or King *James*, or to a Commonwealth; which, by the way, would be the worst of all; we can at least complain under an arbitrary Prince, and the Shame and Vexation of just Complaints is some Check to him, let him be never so absolute. Under a Commonwealth there is not so much as that poor Ease; as Imaginations of Law, or Fancy, I know not whether, makes us do, whatever our Representatives do; no Burthen can pass for Oppression, nor Complaint for just. For we oppress ourselves all the while, and must complain of ourselves, and whatever we suffer in Reality, all is Ease and Liberty in Imagination. But this is no Place for the Dispute betwixt Monarchy and a Commonwealth. It is enough that Conquest makes a Conqueror absolute; that nothing can be more arbitrary than a Commonwealth must be, and that a Weight weighs its Weight, however it be laid on. It is Demonstration that we cannot recover our old Constitution, without our old King. It stands upon Right of Blood, it fell with that Right, and we may as soon build a Castle in the Air, as think to rear and prop it again with our politic Fancies. It is Demonstration, that if the present Quarrel come to be decided in *England*, we must either sit still, or side; and if we side either all one Way, or some one Way, some another. To sit still and save our private Stakes, whoever wins the public Game, may be the Project of those who consider not, that Neutrality is for Allies, not Subjects. In our Case, it is neither possible to sit still, nor to save Stakes by it, though it were possible; for where shall Neuters live, when to be sure neither King will suffer either than declared Friends in either of their Quarters, nor count those for other than declared Enemies who are not in their Quarters. However, we understand the true Allegiance which is so dexterously sworn to both Kings, the Law includes in it defending them, to the utmost of our Power, against all Persons whatever; so that, which Side soever prevails, the Neuter can no Way avoid direct Treason, by the Law either of King *William* or King *James*; considering then how much Cause both will have to be angry, and how many to reward with Forfeitures, Fighting, I believe, will prove a less Hazard than Neutrality, and being Friends to neither being Enemies to both. To divide ourselves between the Kings, will indeed secure the Half which chuses the lucky Side, but with a worse Inconvenience, for ballancing the Parties is protracting the War, that is, feeding

a Fire which must consume the whole Nation, and with it the Fortune of every particular Man. This is the very worst of Errors never to be retracted, for it will no more be in our Power ever to end a War, which by equalling the Forces, we have suffered to get a-head, than to quench a Fire which has got the Mastery, and must burn on till it have spent itself in an utter Destruction.

To side universally with *William*, is to put it out of the Power ever of Victory itself to end the War; the most it can bring, is a Cessation of Arms till King *James* recruits, or his Son (true or supposed is all a Case) is grown a Soldier, whose Quarrel too, may chance to fight before he be strong enough to fight himself; neither can we promise ourselves so much as a Truce. For as we are impatient enough of being subject to arbitrary, conquering Mercy; 'tis all to nothing we shall whine away our breathing Intervals, in a new War betwixt Monarchy and a Commonwealth.

As no Body who will not purposely shut his Eyes can, I think, chuse but see this to be Demonstration: I will draw out the Thread no longer, but take my Leave of my Reader and of all Hopes, if we will suffer our Jealousies, our Animosities, our Passions and our Hate of others, to blind us into a Hate of ourselves, and what we should value more than ourselves, our Country. Our Frailties, our Errors, our very Crimes may yet be cancell'd, and every one who needs a Pardon, be sure of it, because he may deserve it. Our Religion and Laws may yet be secured to us, our old Constitution may yet be recovered, and with it a lasting Quiet, instead of Confusion and Desolation otherwise unavoidable. In short, it is yet in our Choice to be happy or miserable; to chuse Misery, is plainly a Madness beyond any which ever came within the Walls of *Bedlam*, and nothing but Madness to such a Degree can make Men do it; as he well understood, who said in his Pagan Language, *Quos Deus vult perdere hos dementat prius*: "From those whom *Jupiter* would destroy, he first takes away their Wits."

God in his Mercy forbid that we should be the unfortunate Generation, which fills up the Measures of our Fathers, and of which shall be required all the righteous Blood shed from Abel to Zacharias.

A true and exact Account of the Regiments of Horse and Foot in the Service of their Majesties King *William* and Queen *Mary*; and also an Account of the *Irish* Forces under the late King *James*. Written by a late Captain of Foot in the Lord *Castleton's* Regiment in *England*, now at *Lisburn* in *Ireland*, to his Friend in *London*. Together with a perfect Relation of the most remarkable Actions lately there, and particularly since the Wounding of Colonel *Owsley*. In a Letter from *Lisburn* of the 26th of *May*, 1690.

S I R,

According to my Promise in my last, I have sent you the following Account.

A LIST of the ENGLISH ARMY.

H O R S E.

Princess *Anne's* Regiment.
The General's Regiment.
Major General Sir *John Lanier's* Reg.
Lord *Devonshire's* Reg.
Lord *Delameer's*, now Col. *Ruffel*.
Col. *Langston's* Reg.
Lord *Hewett's*, now Col. *Byerly*.
Col. *Villers's* Reg.
Col. *Coy's* Reg.
Six Troops of Guards.
Mr. *Harbord's* Troop.

D R A G O O N S.

Royal Regiment, Col. *Hefford's*.
Col. *Leviston's* Regiment.

F O O T.

Princess *Anne's* Regiment.
Lieut. General *Dowglass's* Reg.
Major General *Kirk's* Reg.
Col. *Beaumont's* Reg.

Brigadier Sir *John Hanmor*.
Brigadier *Steward*.
Col. *Babington's* Reg.
Sir *Hen. Bellasis's* Reg.
Col. *Careston's* Reg.
Col. *Deering's* Reg.
Earl of *Drogheda's* Reg.
Col. *Erle's* Reg.
Col. *Floyd's* Reg.
Col. *Fowlk's* Reg.
Col. *Grebin's* Reg.
Col. *Hasting's* Reg.
Col. *Herbert's* Reg.
Lord *Kingston's* Reg.
Lord *Lisburn's* Reg.
Earl of *Meath's* Reg.
Col. *Trelawny's* Reg.
Col. *Wharton's*, now *Brewer's* Reg.
Col. *Cutts's* Reg.

Inniskillingers.

Col. *Owsley's* Reg. of Horse.

H 2

Col.

Col. Winn's Reg. }
Col. Conningham's Reg. } Dragoons, Col. White's Reg.
Col. St. John's Reg.

Lord George Hamilton's Reg. }
Gustavus Hamilton's Reg. } Foot. The French and Dutch Guards.
Col. Tiffin's Reg. } Col. Lecallimot's Regiment.
Col. Du Cambon's Reg.
Le Melonier's Reg.
Derry Foot. Nassau.
Col. Michelburn's Reg. Vitte.

Note, None of the *Danish* Horse or Foot are here particularly incerted, which are 6000 Foot and 1000 Horse.

Colonel Owsley (since his Shot upon the Belly, and upon Recovery) sent out a Detachment of his Horse seventeen Miles into the *Irish* Quarters (beyond our Frontiers) who upon *Sunday* the 18th Instant put to flight the *Irish*, and brought back four hundred Black Cattle, three hundred Sheep and Lambs, and eighty Horse, whereof about twenty fit to serve for Dragoons.

An Intelligence from *Dublin* informs, that the *French* have begun to fire the Suburbs, in order to make the City more defensive, and less obnoxious to our Incursions and Bombs. It is believed they will burn every Place they desert, on Design to prevent our Winter Quarters near them in Houses, and to enforce us to encamp, whereby the cold Weather might destroy our Army.

At present all Affairs wait the King's Arrival (which God grant safe and speedy) and then a Method of Marching will soon follow.

A LIST of the IRISH ARMY.

H O R S E.			Col. Maxwell	12	50
	Troops.	Men.			
Lord Tyrconnel	9	50		74	3800
Lord Galmoy	9	50	Troop of Guards commanded		
Col. Sarsfield	9	50	by the Lord Dover		200
Col. Sutherland	8	50			
Lord Abercorn	8	50			
Col. Hen. Luttrell	8	50			
Col. John Parker	8	50			
Col. Nich. Purfel	10	50			
	69	3450			
D R A G O O N S.			F O O T.		
				Comp.	Men.
Lord Dungan	10	50	A Reg. of Foot Guards	20	90
Lord N. O. Neal	10	50	Lord Montcastle's Reg.	13	92
Col. Den. Obryan	12	50	Earl Clencarty, Ditto		
Col. Simon Luttrell	10	50	Lord Fitz James's Reg.		
Col. Clifford	10	50	Col. John Hamilton's Reg.		
Sir James Cotters	12	50	Col. Clenricart's Reg.		
			Earl of Antrim's Reg.		
			Earl Tyrone's Reg.		
			Lord Garmongstone's Reg.		
			Lord Clark's Reg.		
			Lord Galway's Reg.		
			Lord Slaney's Reg. ditto		
					Lord

TRACTS on all SUBJECTS.

61

Lord Duleck's Reg.	13	62	Col. John Brown's Reg.	
Lord Kilmore's Reg.			Col. Edward Nugent's Reg.	
Sir John Fitzgerald's Reg.			Col. M. Mahan's Reg.	
Sir Morrice Euster's Reg.			Col. Edward Reyley's Reg.	
Col. William Nugent's Reg.			Col. Fielding's Reg. ditto.	
Col. Henry Dillun's Reg.				
Col. John Grase's Reg.			Horse	3450
Col. Richard Butler's Reg.			Dragoons	3800
Col. Edward Butler's Reg.			Horse Guards	200
Col. Thomas Butler's Reg.			Foot Guards	1800
Col. Jo. Bowker, now Lord Boylen's R.			Foot	37882
Col. Charles Moor's Reg.				
Col. Carmac Oneal's Reg.			Total	47132
Art. M. Mehan, Earl of Westmeath's R.				
Col. Charles Cavenab's Reg.			Disbanded.	
Col. Charles Macalamoor's Reg.			Major General Boyssoe's Reg.	
Col. Gerard Oneal's Reg.			Lord Castle Connal's Reg.	
Col. Neal Brown's Reg.			Col. Rog. O Connel's Reg.	
Col. John Barret's Reg.			Col. Ch. Geobagan's Reg.	
Col. Dan. O Danavan's Reg.			Col. Many O Donnel's Reg.	
Col. Oliver O Gara's Reg.			Col. Jam. Butler's Reg.	
Sir Mic. Creagh, L. Mayor of Dublin's R.			Col. Rog. O Caban's Reg.	
Sir Dan. Brown's Reg.			Col. Ch. Kelly's Reg.	
Col. Dudley Bagnal's Reg.			Col. Bryan Mac Dermot's Reg.	
Col. Charles O Brian's Reg.			Col. Jam. Talbot's Reg.	
Col. Roger Mac Elliot's Reg.			Sir Ulick Bourk's Reg.	
Lord Kilmalloy's Reg.			Sir Edw. Scot's Reg.	
Lord Iveagh's Reg.			Col. Miles O Reyley's Reg.	

The Quarters of the Army uncertain, being every Day rowling, and much scattered.

Note, Though each Troop and Company are said to have the foregoing Numbers of Men, yet few or none are full; neither have they Arms for near the Number, and many are armed with Scythes.

The French Recruits landed this Spring are not inserted.

But it is observable, that the Irish and French cannot march into the Field with this Number, nor encamp, because, by all reasonable Conjecture, their Garrisons will require, viz. Dublin 7000, Drogheda 3000, Cork 1000, Kinsale 3000, Limerick 2000, Galway 2000, Athlone 2000.

Also their Policy is to defer the War upon a Defence; hoping the Brass Pay will exhaust the English current Coin.

The Keys of Dublin are in French Hands. The Bomb-Carts and Carriages painted with Flower-de-Luces. So that the Distinction is not so much William and James, as England and France, or Protestant and Papist.

A Letter to a Member of the Committee of Grievances, containing some Seasonable Reflections on the present Administration of Affairs, since managed by *Dutch* Councils.

S I R,

IF you have read or heard of the Changes between 1640 and 1660, you cannot be surprized at the Accidents between 78 and 89. The Pretences, the Successes, the Methods used and had in both, are so exactly agreeable, that the last would have been impossible, but that the same Men who did procure the first have occasioned the latter: The Designs we observe to be the same, and we begin to feel the Consequences much like the other, or rather worse. To insist on the Parallel, is as needless as to shew their Malignity: It is enough now for us to bethink ourselves how we have been twice gulled and cheated by those Men already. It is true, Grievances we have had, and still have, and must expect more, as long as those are at the Helm, who when they had forfeited their own Interest and Share in publick Administrations, complained of every thing which others did; until by Murmurs, Lyes, Libels, Lampoons, and Ballads, they had made others as uneasy as themselves; that during a Convulsion of State they might mount the Saddle, and ride us all, and with a Vengeance, as now they do. Their Pretences were specious, but false. In their Pamphlets, they complained of Falshood and Insincerity, yet never shewed us the Mother of the Prince of *Wales* brought over in the *Dutch* Fleet; the Original League under King *James's* own Hand with the *French* King, to cut Protestants Throats; or, the two Witnesses of *Essex's* Murder, as they promised to us. They complained of sham Stories put upon the People; yet they published, and gained more by a third sham Declaration, than by the former; a sham Paper of a Fight in *Ireland* between Papist and Protestant, of 6000 killed of one Party, and 4000 of the other; and industriously sent Men at Midnight to the several Corners of the Town to alarm the City with Fears of a Massacre from the *Irish*, and the same throughout the Country; sham Stories of the *Dutch* taking King *James*, and carrying him to *Holland*; sham Papers of his Death, and those licensed by Authority. They complained of a Breach of Promise, and a Variance between the Declaration at Council-Board on the 6th of *February* 1685, on the Behalf of the Church of *England*, and the Declaration for Liberty of Conscience; but will not now remember the Harmony between the Promise to the *London* Clergy on the 20th of *February* last, for the Support of the Church's Establishment, and that they might depend on it; and the Speech made in Parliament the 16th of *March* for to capacitate all Persons, not excepting *Atheists*, *Fifth Monarchy-Men*, &c. to enjoy all the Preferments and Offices in the Nation. They feared unqualified Men should come into Parliament,

liament, yet have admitted Persons out-lawed and attainted to it. They feared Members would not take the Oaths in King *James's* Parliament, but themselves never took the new ones in eight Days after they had made them, when by their own Law none was to sit or vote till that was done; and yet they sat and acted all that Time, and passed the Money Bill, which now hath relation to a Day, when by an Act of Parliament, 30 *Car. II. cap. 1.* it appears they were not qualified to make it. They complained of Court Officers being Members of Parliaments; yet have solicited and procured the Choice of many such, when for their Turn. They did complain of Judges not taking the Oaths; but have made several without swearing Allegiance, as the Statute of King *James I.* requires at the Time of taking the Oath of Office. They complained of Judges Patents, that they were not during good Behaviour; but make all their own Grants *durante bene placito*, even such as were usually for Life, as the Master of the Rolls, and the like. They complained of lewd and scandalous Persons employed and encouraged with publick Offices; yet preferred an Outlaw, *viz. R. F.* to be House-keeper to the Excise Office, and many others. They complained of turning out *English* Officers to gratify the *Irish* with their Employments; but they are excusable to take the Bread out of the Mouths of hundreds of *English* Protestants, to feed Foreigners in their Places. They complained of causeless Removals of Persons from public Places; but, the bitter Cries of many numerous Families, depending for a Livelihood upon the late Owners of those Employments, shew what the Practice now is. They complained of Closetting; but have removed several for Voting according to their Consciences, as the *D. of Grafton, &c.* They complained of billeting Soldiers upon Publick Houses against the Owners Will; but still do the same Thing. They complained of hanging Soldiers for Desertion as Felons; but after long Threats, have now made a Law, *That whosoever shall excite, cause, or join in any thing they shall call Mutiny or Sedition, or shall desert, shall suffer Death, or such other Punishment as by a Court-Martial shall be inflicted.* They complain of a Popish Army; but don't assign any Difference between one Papist and another, while they maintain 4000 Foreigners of that Persuasion at the Protestants Charge. They complained of not taking the Tests; but would not allow any Term or Sessions to take them in. They complained of Passive Obedience, as an unreasonable, foolish, and impertinent Doctrine; but now it is treasonable to deny it. They complained of the buying of Places, yet they themselves sell all, nay turn out all that will not pay a Year's Value. They complained of the treasonable collecting of the Revenue after King *Ch.* the II^d's Death; yet receive it without an Act of Parliament, and after it is devolved to the People by the Abdication, as was agreed by all the Lawyers in the House the first Day, though the Case was altered, and they changed their Opinions five Weeks after. They complained of oppressive Subsidies; but give to the *Dutch* above half a Million of Money, even without Examination of Accounts, when in Justice they ought to have paid us much more, being Gainers by the Diversion of this Year's Storm from themselves, by making us the Seat of War to preserve their own Peace. They complained of a Breach upon *Englishmen's* Liberties, by long Imprisonments, for Want of excessive Bail demanded in Evasion of the *Habeas Corpus* Act; but themselves have absolutely suspended it, though it is hoped, they

they may live to repent of the Precedent, as an Argument hereafter for the like, or a longer Suspension upon an alledged Necessity. They complained of the Encouragement given to a Gentleman for writing an *Observer*; but themselves have maintained a *Gazetter* and a *Remarquer*, which is two to one. They complained of *Johnson's* Usage for writing a Book, viz. *Julian the Apostle*; but goal'd the Author of a Sheet of Paper, viz. *The Desertion discussed*. They complained of Sir *Thomas Armstrong's* Execution without the Aid of a Jury, though in pursuance to a Statute, viz. 5 *Edw. VI. cap. 11.* yet threaten others with Attainders, without calling them to answer, though in Prison, and at forthcoming. They complained of unjust Accusations and Persecutions; yet Sir *John Moor* was prosecuted before a small Committee, consisting chiefly of such Persons who were his Accusers, or unqualified for acting according to the known Customs and Usages of the City. They complained of the Decay of *English* Trade; and yet *Dutch* Foreigners are encouraged and employed to import Goods, which by Law ought to be done by *English* Bottoms only. They complained of Breach of the Laws, but have forgot what the Law says, That there can be no *Interregnum*, and that a Father is elder than a Child, that an Uncle is preferable to a Nephew, a Brother before his Sister, in case of Inheritances. They are very pressing for a Bill of Comprehension and Indulgence; yet are about to impose their new Oaths of Allegiance with the utmost Rigour; hoping to raise Money, or imprison or ruin all those who make Conscience of their Oaths to King *James*. And instead of preserving our Properties, a fourth Part of the Money of the Nation will scarce serve for a present Supply to secure their Usurpations. Thus you see what are our Grievances, and how we are relieved.

Juv. Sat. 13.

*Committunt eadem diverso crimina fato;
Ille Crucem pretium sceleris tulit, hic Diadema.*

With different Fates Men act the self same Crimes,
Whilst one's Reward's a Cross, th' other's a Diadem.

Reasons for a new Bill of Rights: Humbly submitted to
the Consideration of the ensuing Session of Parliament.
By Sir *Bartholomew Shower*, Bart. 1692.

CONSIDERING the many impetuous and convulsive Struggles which this Land hath so frequently groaned under, between the People and their Prince; and that some Persons of Honour, Sense and Sagacity, have always been engaged in those Convulsions; it must provoke an Agony of Wonder, that no more, or better Provision is hitherto acquired, for the Insurance of Men's Lives, Estates and Liberties.

The Defect can be ascribed to no other Original, than the sudden Cesser of violent and eager Essays for that Purpose, which Violence is seldom durable,
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and therefore the Occasion of its own Disappointment ; but now in the present Circumstances, when a foreign War hath employed the warmer and more sanguine Part of Mankind, and an entire Calm o'erspread the Face of domestic Councils and Affairs, the Season perchance is arrived, for a mature and sedate, and consequently successful Consideration of sound, proper and true Methods, to secure ourselves and Posterity in these Particulars.

However, a Provocative of this Kind can never be unseasonable ; though Provisions of Money in the approaching Parliament will be one Thing, yet it cannot be the only one necessary, especially when a Flaw in our Title to any of these Ingredients of Bliss, destroys the Necessity of that : It is therefore to be hoped, that the Courtier, Statesman and Officer will permit the Country Gentleman in some soft Degree, to attempt the Supply of his own, as well as their Occasions ; nor can the Proposal of the one obstruct the just Progress of the other ; for it is the old fundamental Doctrine of a true *English* Parliament, that they should always concur, and now there's Reason and Opportunity for both.

To obviate Prejudice and Objection against a Perusal or Regard of the following Lines, it may not be amiss to premise, That the Author is neither Republican nor Enemy to the present Establishment ; nor can the usual Artifice of Nicknaming a Proposition as Antimonarchial, render it the less acceptable to him that's concerned, as every *Englishman* formerly was, is To-day, or may be To-morrow, in this : It is too well known to have been an ancient, as well as modern Court-Trick, to advise Kings from encouraging, and the Commons from prosecuting of a full Security by just and rational Means, with the Terror and Dread of a Commonwealth, as the unavoidable Consequent of a true Liberty, though whoever knows Men in *England*, must also know that Figure of Government here to be impracticable : But methinks since the Discovery of Priestcraft in Religions, and the Detection of Intriguery in State-Matters, Men should be wiser than to slight, or reject Endeavours for their own Happiness, because of Names, Titles or Epithets if of an harsh Sound, though improperly applied.

I am sensible of another Objection from the *Bill of Rights*, but surely that Scruple vanishes upon the first Reflection : for the Nicety of the then Circumstances, the Multitude of incurring Exigencies both at Home and from Abroad, may well be agreed to have hindred a plenary, or sufficient comprehensive Thought of all our then Grievances : It must be confessed, that the Instances there mentioned are considerable and great, and the Provisions made for them are useful and good, though too generally expressed, and perhaps obnoxious to some different Constructions, whensoever reduced and applied to particular Use ; the Settlement of Religion and Churchmen's Property by those *Items* is politic and happy ; and in Truth the Bill doth extend to little more than that, and the Health of Corporations ; but the Acquirement of those Reliefs, was never intended to be exclusive of more, if more appeared necessary ; the private Lay-Gentlemen deserve some Consideration, for their Number exceeds both Clergy and Officers, though the latter are sufficiently numerous ; nor is the Ballance of the Gentry inconsiderable in the Government.

Another Cavil is expected at these Papers as needless, because the Judges are fixed and free from Temptation, their Patents are not now upon Pleasure, and those at present in *B. R.* (where the ensuing Queries do most frequently arise, and are most properly determinable) are Persons endued with Learning, Probity and Resolution.

Agreeing all this, and more, that they are, and so indeed they are, the Glory of the whole Revolution, it doth yet still remain worthy of a Thought that they are mortal, and another King may arise in *Israel*, that may make another Choice; and notwithstanding they should be more dependent, through the Certainty of their Office and Salaries, than formerly; yet it may be of Men temptable by the Accruer of a greater Pension, or the like: It cannot be forgot what some Ministers have rung in the Ears of former Princes, that Hearts, not Heads, were necessary for that Court, that the Humour of the Man, and not his Knowledge in the Law, was the most considerable in the Election of a Judge; that Complaisance to Prerogative was a much better Quality, than that of a judicious and crabbed, if stubborn Lawyer: But further, we should deserve the Pity of Fools, if after so much Treasure, and Blood spilt for the Redemption of Liberty, the same should be ascertained by no better a Fund than the Lives of three Men at the present in Power; nor can their Preservation ensure *Englishmen* against Hardships in the subsequent Cases; for this Proposal evinces the Imperfection of our Laws as now received and practised, and the Necessity of another Statute to explain or amend them; and therefore this Objection is an Argument rather to inforce, than to discourage the Prosecution on't; for sure we are, these Judges will and must (as by Oath obliged) observe those Rules; and from thence springs the true Cause for new, but better Provision; nor do those Remarks aim at, or import Reflection upon the present Practice, but merely endeavour to demonstrate the Necessity of a Law or two more; now new Laws do not always suppose Faults in *Fact*, but many Times in *Poss*, they are as often made to obviate, as to relieve against Grievance and Oppression; and were it otherwise, this is no more than every Act of Parliament past hath done; and therefore such new Law (as is here contended for) doth still appear necessary.

Now for Particulars,

First, As to Life; the late Bill for regulating Trials in Cases of Treason is a clear Evidence of the imperfect Defence which the Laws in being afford to Men's Lives; the Misfortune which attended that Bill doth call for a Reinforcement of that Design; the Opposal it met with (considering the Persons who made it) doth in a demonstrative Manner declare its Conveniency and Necessity; and therefore the honest Part of the Nation do hope that the next Session will pass that or another such; nor is there any Reason to despair on't, unless Men improve in their Fondness of Danger, even of Death; for no Person living can be undoubtedly secure, that he never shall become or be deemed a Malecontent, both which are one in Point of Danger: As to the pretended Reasons against such Relief, a Line of Answer is more than they deserve; but however to propose some Hints convictive of their Weakness may not be improper: It argues some Defect in thinking to pretend that the 25 of *Edw. III.* hath governed our Forefathers, and hitherto to the present Age, and therefore

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we need no other Law; for might not this Objection have damned the Petition of Right, or any, or every other Act of Parliament, because we had a *Magna Charta* before; besides Innovation, and the dismal Consequences on't, was always a Bugbear both in Church and State, to prevent Alterations even for the better; but wise Men, if honest, have as often contemned the Pretence as ever 'twas objected, or otherwise we should have wanted that Pittance of Security which we have acquired already; but do hope to increase: It is manifest upon the first, second, third, and every Reading of that Statute, that 'tis a general, uncertain and obscure Provision, sufficient Confusion, Doubt and Contradiction hath there been in expounding it; the Chronicles and Reports of every Age since *Edw. III.* proves this, nor can our own Observations fail of furnishing us with Arguments of infinite Difficulties resulting from that Law, and many with Semblance of Reason and Authority on both Sides; the late Paper Skirmishes about the unhappy Lord *Russel's* Case do prove the Need of a new explanatory, directive Act; as also the new Notions vented in the Earl of *Stafford's* Case about Witnesses to several Facts, or rather Circumstances, which have preceded it almost to every subsequent Trial. Then in the Name of God, what Harm can accrue to the Public in general, or to any Man in particular, that in Case of State Treason, Council should be allowed to the Accused, what Rule of Justice is there to warrant its Denial, when in a Civil Case of a Halfpenny Value the Party may plead either by himself or Advocate? That the Court is Council for the Prisoner can be no effectual Reason, for so they ought to be in every Action, unto each Party, that Right may be done; but the *Frenchman's* Remark upon this Phantom, for 'tis no more, hath sufficiently censured it, *That my Council ask no good Questions for me, my Council make no good Sign for me, me no like my Council*: And it hath too often proved according to that poor Fellow's Observation; nothing but Practice, *No written Law excludes from Council in any Case*, (says the great and late honest *Coke*) and there is the same Pretence for denying a Copy of the Indictment, though that has been granted in Case of Felony in one *Botbe's* Case, the which is in a Book called, *More's Reports*.

But some bold Whisperers do pretend, that the Times are, or may be dangerous, the Crown ought to have a Power to support itself, this will make Convictions difficult, the Government must sometimes have a Lift, there must be Methods to lop off an Enemy, or the Head of a Party now and then, and there is no better Convenience for it than a doubtful Law, and therefore no Explanation or Amendment is politic.

'Twas thought that these Principles had been abdicated with the late King, but since their Renewal calls for an Answer, I'll briefly observe to those which vent them, that all human Affairs are so unstable, and Courts under several, nay, under the same Sovereigns, do so often change Interests and Inclinations, and consequently Parties, that 'tis possible a malicious Chance may make the Enemy's Lot to become the Objectors; and so hath Fate most frequently doomed it in a most smart and exemplary Form upon the Opponents of their Country's Liberty, that they have been lashed with that very Rod which they have refused to remove, have endured that very Oppression, which, when in their Power,

they denied to redress: *English* Story is too full of such Instances, and God forbid the Increase of them again.

This Objection is absurd and subverts Fundamentals, for in such extraordinary Emergencies of State and Consequence, the Parliament is, or ought to be at Hand; the Use of that Assembly is not barely the Gift of Subsidies, but to help the King and People according to their respective Occasions, and there is the Crown's *Recipe*, Impeachments or Bills are his infallible Remedy; and our Constitution never intended any other Relief in case of such Difficulties, than that of a Parliament; then if we consider the strict Rules of common natural Justice, 'twill appear much more eligible, that sundry Offenders should escape than one Innocent should suffer, for that such Cases admit of no Restitution, the Reversal of an Attainder injuriously procured cannot render a Satisfaction; the Head returns not to the Shoulders, nor Life to the Party, though the Title be restored to the Name, and the Estate to the Son of such a Martyr.

It is evident beyond Contradiction, that within twelve Years past, many would have resigned the Half of their Estates for the Procurement of such a Law, as now (to the Wonder of the Nation) themselves have opposed: The Fact admits of no Reason but Revenge, or the Change of their Principles upon the Occasion of Power and Employments, each whereof is alike unmanly, and therefore unwarrantable; but methinks they should consider, that they are not certain of the Stability and Continuance of their present Settlements, much less of their Interests, and the same Occasion as formerly, may in future Ages revive, and then the Reviver of Complaints with their Suffering may be fruitless and vain, when the Opportunity of Relief is fled and gone; not good Hopes concerning future Administrations but good Laws only, that can give a Plerophory or full Assurance of Security: Now is the Season, if ever, for a Fixation of our Franchise from the Perils, from the actual Endurance whereof we are but just delivered; it may be presumed, that the late Turn of our *English* Affair is not yet banished our Memory, nor the End of the Change buried in Oblivion, and the present Proposal was unquestionably one Design of the Revolution: The Convention of the Estates of the Realm in 1688-89, intended somewhat more than the Ejection of thirty or forty bad Officers, and the preferring as many others in their Places, though of the more intelligent and honest Principles, for these are still Men, and liable at least, I will not say prone, to human Infirmities, and though not possibly equal, yet like to those of their Predecessors: The Purpose of the Nation's Wisdom was to gain a Security beyond the Reach of Construction, Power or Craft to evade, and if the same be not hitherto accomplished (which whether it be or not, let the Reader be Judge.) It is now therefore the Duty of all sincere and true *Britons*, to endeavour the Perfection of such their Security against every of their former, or the like Mischiefs; the Necessity of the War summons a Parliament for Supplies, and this renews our Opportunity for to finish the intended Errand of the first Assembly after the Abdication: *This is the Time*, said a great Man upon a less Occasion, and every Man may say the same now, and with more Reason: Then as to the Second concerning our Estates.

It cannot be denied, that both Law and Equity do in their Practice need a Regulation; the Exorbitances of that prerogative Court, called *Chancery*, do loudly cry for a Bridle, and that by an Act of Parliament: There 'tis that the single and sudden Thoughts of a Keeper are the only Rules for Justice, and the Power is but *Durante* (it must not be said) *secundum bene placit' R.* and this may caveat the Rich and Bulky to promote some moderate Reformation of that Court, or else to resolve, that his Quarrel shall never be with a Courtier, and that he'll never incur the unfortunate Character of disaffected to the Government; for it hath been formerly, and may be hereafter very easy, with one of those Monosyllables, Fraud and Trust (which have already almost devoured every other Title in the Law) to decree such a one a Beggar; Nickname his Purchase and his Estate doth instantly change its Owner; then if a Commoner prove his Adversary, whose Inheritance commands a *Borough*, the Wretch is remediless, and his Beggary everlasting; for there's no Appeal but in Parliament, and with his Hopes of Relief commences Privilege, and then he must wait, at least till the Issue-male of the Family be extinct, and that is too long an Expectancy to be called a Relief: To expose the Dilatories and Expences of that Court is a Province much fitter for some Lawyer's Pen than mine: My only Remark is this, that that Court is too dependant upon another, that its Power is too arbitrary, and its pretended Rules too uncertain; and although the Probity of the present Keepers do prevent Mischief at the present, yet future Reigns may use Creatures of a worse Kidney, and to worse Purposes, and then the Authority of the Seal as now in practice, will afford Opportunity to do Mischief more than sufficient: Then for the Law, it must be agreed to stand in the like need of a Purge too; but such Topicks would be proper to employ the Head of some Practitioner, whose Experience capacitates him to discover its blind Side and Corruptions; that which I observe is this, that there wants some Act to facilitate the Practice of Attaints, by allaying the Severity of the Judgment therein, and then we might hope to see Corruption of standing Juries reformed, and the Consequences of that Corruption banish'd too, *viz.* the forc'd Practice of granting new Trials, when the Verdict displeases the Judge, though the Fact be not within his Sphere; at our Assizes I have for several Years observed a great Uncertainty in the Rules of Evidence, in the Gift of Actions, and in the Notions both of Titles of Land and Property in Goods, every Circuit perhaps differing from the last, but that seems ascribable to the great Latitude given to the sudden Opinion of a Judge by the predominant Increase of general Issues, which leaves too much at the Discretion of a single Person: These and many more Hints might be given of this kind, but of this enough, for they are Trifles to my last and chief Topic, because, concern but a few; for Men with Temper and Wisdom may easily prevent the Plague of Law Suits, and the Want of one of them is generally the cause of Vexation either by Common Law or *Chancery*; but there's no Fence against Imprisonment, for the Cast of a Man's Eye, the Smiles or Frowns of his Face, entire Silence or too much or too little Speech, as the Company pleases to interpret and represent, may raise Suspicions concerning Principles: If he keeps Company he is judged by the Humour of that, if he keeps none he's thought reserved, and therefore the more dangerous; if a Maggot in his Head or a fanciful Thought in his Brain occasion a Laugh when

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Ill-news is arrived to the Court, or if the Disasters of his personal or family Concern, or a Pain in his Body provokes a sour Look upon the talk of a Victory or the like, these and a thousand more such are Badges of Malice to the Government, where Construction is at liberty, so that the following Doubts are of consequence to every one.

Thirdly, Liberty of Person; 'twould be Subject of Ridicule and Jest to attempt the Conviction of our Countrymen, that Liberty is pleasant, and to preserve it deserves our Care: It's one of our first Principles connatural to an *English* Heart, to be tender and jealous of its Loss and Abridgment. The Contentions here both with Tongue, Pen and Sword for its continuance hath proved such a Theme needless; our *Magna Charta* places the Contrary in equal rank with Disseizin and Exile, both which are sufficiently odious, the one depriving a Man of his Country, the other of his Fortune, and this debars him of the Pleasure, nay Use of both; 'tis pretended by all the Judges, that Liberty is the Darling of the Law, and Restraint the Badge of Bondmen and Vassals, but the Practice in almost all Ages hath given the Lye to such Pretence; for nothing hath been so often and easily lost, to Peers and Commons, to the Grandees and the Peasant, upon every little or no Suspicion as personal Liberty: That particular Piques or private Malice of State Ministers, or perchance that which is less Cause, the insolent Humour of Commandments in Power, or the generous Behaviour of a Gentleman with its usual attendant Popularity, (which is always an Eye-sore at Court) or the Fears of Statesmen tho' resulting from their own Weakness when there's no Danger, or from their own false Steps in Government. Where there is these and such-like Occasions, have frequently goaled great Numbers of the best Part of the Nation in all Ages: It must be impertinent to recollect Instances, since Members of Parliament have not been free even in Parliament Time; as for the Oppressions of which Imprisonments, whosoever hath suffered them is sufficiently convinced, and he that hath not, may easily conjecture; for much the greater Part of the Nation either by themselves, or their Friends and Acquaintance hath experimented the Pleasure of such forced Retirement, within less space than forty Years past, and therefore I'll forbear to enlarge on't.

The Cause of this Grievance hath sprung from the Imperfection or Uncertainty of our Laws concerning this Subject; the Questions about it in *Car. 1.* Time were so fiercely debated, not only within the Walls of the Commons House, but in the Press and Field too, that their Notoriety recalls them to every Man's Remembrance; the Opinions of Parliaments was always against indefinite, general, or causeless Commitments, but no Man imagined himself secure till the late *Habeas Corpus* Act, which inflicted Penalties upon its Violators, nor hath that accomplished the Design of ensuring a true Liberty, as I shall now endeavour to demonstrate; that this Act was, and is a wholesome Law, cannot be denied, and 'twas worth the Price it cost; but yet another will deserve twice as much, for the former is deficient to a great Degree: To convince that it is so, let it be considered that 31 *Car. 2.* did that Statute pass the royal Assent, and since that time five hundred Persons to one have been committed more than ever were tried, or so much as indicted: It is observable that every Year or two, a dozen or twenty Lords are usually shopt, together

ther with incredible Numbers of the greatest Commoners, over and besides the small Fry of &c. Halls and Churches have been turned into Prisons, when the common Goals were crowded even to Danger of Infection; and I am apt to believe that hundreds have been committed without Oath, and consequently without just Cause of Suspicion, for there ought to be Oath of that Fact or Circumstance which rendered the Party suspected: And this is the first Defect in the Statute, that it doth not enjoin an Oath to be mentioned in the Warrant, which is unquestionably consonant to Reason, that the Person and his Judges may become privy to the true Reason of his Commitment; perhaps it may not be for the Service of the Crown to name the Informant upon the first Accusation, but that no Commitments ought to be without Oath first made, is certainly Law; and an Injunction to mention an Oath in the Warrant, together with a Penalty for Imprisonment without Oath in Writing, will make the Ministers concerned more cautious in Cases of Liberty; nor can any Reason be assigned in Nature why Priviledge should not be denied by Act of Parliament, in case of the Violation of the Subject's Freedom, which is and ought to be dear to us all: The end of frequent Parliaments is for Maintenance of Personal Liberty, and why such Frequency should hinder Suit for Incroachments on that Liberty, the Reason is behind the Curtain: Another Fault is, that the Cause of Commitment is not enjoined to be specially signified, charged for compassing the King's Death, or adhering to his Enemies, is in truth no more special or plain than to say for Treason, for there are a thousand Acts and Ways of doing both these, and those dependant upon Construction, so that a Man is not a whit the better informed to prepare for his Trial or Defence by the one than by the other; for when he considers of one Action obnoxious to strain, another, a third, or a hundredth may be trump to his Charge; the end of that Provision certainly was to have the Fact known whereof the Party was accused: Again, Warrant to seize being charged for High Treason *in compassing or adhering, &c. and to bring before me to be examined*, and such Messenger to detain for Days, Weeks and Months, seems somewhat unreasonable, when the Party granting such Warrant expresses himself doubtful in his Judgment concerning the Charge, and the Fact indeed to need an Examination, yet this Case is not bailable; whether Secretary or Privy Councillor, not having actually taken the Oath of a Justice of Peace can commit for Felony or Treason, is no small Query, but the Ferments of latter Times, and the supposed Necessity arising from thence hath answered that Problem by some Years Practice, and therefore that Point is not to be stirred without Doors, but surely they ought to be in the same State as other Justices, to answer Suits for unjust or wrongful Restraint of Men's Persons, and the Greatness or Priviledges of these Officers ought not to exempt from common Actions, but the rather an Access to Relief against them, should be made more easy, since they monopolize that Trade, and consequently are more frequently liable to Mistakes wilful or by accident; the Method for such Relief is above my Reach either to contrive or propose.

When the Cause is only Suspicion, Bail, and that at Discretion of the Judge, is now required, and this is all the Relief at Present, and that is tantamount to none; for if the Judge or Minister pleases, such extravagant Sums and Estates may be required, as to render the Party remediless, and his Continuance in
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Goal inevitable; here's no Measure prescribed, nor any Penalty imposed on the Judge if he be guilty of Excess in such his Demand: In case of an actual Breach of Peace, and the Complainant swears a Danger of his Life, the common Rate is 40/. Principal, 20/. a piece the Bail; but for Suspicions of Treason, or as generally disaffected to the Government, swinging Sureties for Bulk in their own Estates, and Sums in their Recognizance, have been and may be again exacted, and no Relief.

Commitments with the Clause of denying Pen, Ink and Paper, or Friend or Relation, are not provided against, nor yet in truth warranted by that or any other Law; for if the Party be not guilty of the Charge, or but suspected without Evidence sufficient, the Usage is not humane or *English*; if he be guilty and there's Evidence for such Guilt, then Liberty of Access ought to be allowed to his Friends with the Use of Writing, that he may prepare for a Trial: For the Law never impowered a Secretary to commit a Man because thought dangerous to the Government, but because he is guilty of a Crime, and that he is only to secure him to be forth coming to a Trial, not to punish him before his Trial, for till then it remains in doubt whether guilty or innocent.

Another Defect is this, Suppose a Man committed in *Trinity* Term for the Charge of Treason, and after the Expiration of four or five Months, and before the arrival of *Michaelmas*, the Secretary thinks fit that Bail be admitted, then tho' no Indictment or other Prosecution, this Bail may be continued from Day to Day, and from Term to Term, for seven Years together, and he can't help himself; within the Memory of Man this hath been practised for seven, nine, nay twelve Terms successively upon the same Recognizance; then it is an infinite Default, that if a Man be committed to a Country Goal, and perhaps that may be, as it hath been, to *Hull* or *Canterbury*, this Man is remediless till an Assizes, and that sometimes not happening in several Years, and then this Wretch can't make his Prayer in *B. R.* he hath not Money to procure a Commission of *Goal Delivery*, or *Oyer and Terminer*, and if he could, perhaps 'tis denied him, and no Provision made against such Denial: Now here's an indefinite Imprisonment, this Difficulty arises from a constructive Opinion upon that Law, that the Prayer may be either in *B. R.* or before *Oyer and Terminer*, as to be taken distributively and respectively, if here about Town in *B. R.* if in the Country then at the Assizes, tho' the Words are general, one or the other.

Further the Remedy is, *If no Indictment the first Term, the Party is to be bailed, unless Oath be made that the King's Witnesses could not be produced that Term*: Now this needs an Explanation for the end of our Law makers unquestionably was, that he should be bailed, unless there was Evidence sufficient whereon to indict, and such Evidence could not be produced; whereas according to a literal Construction of that Clause, any Man may be detained tho' not Evidence enough to found an Indictment, as if Oath be made that there is Evidence against *A. B.* and *C.* and every of them, that the Witnesses against them could not be produced, and no Possibility to convict the Jurate of Perjury, for it may all be true in some Sense (and if true in any Sense it excuses from Perjury) and yet besides the Intent of the Law to have the Persons detained,

tained, there might be two Witnesses, one against one, and another against the other, and yet no Indictment could be on this for want of two Witnesses against each: Now 'tis plain when the Law says, *If he be not indicted he shall be bailed, unless Oath be made that the Witnesses could not be produced*, it must be meant such Witnesses as could swear to the Indictment, which one alone could not, because the Statute requires two even upon the Bill, besides such literal Constructions renders the *Affidavit-Maker* Judge of what is Evidence, when perhaps he is ignorant of the thousandth Part of the Difficulties and the Doubts upon that Subject; then for *could not be produced*, 'twould be but reasonable that the Court should know and judge of the Reason of the *Non-produce*, and not the Swearer; perhaps the Reason might be sufficient in the Court's Opinion, but more than sufficient in the Swearers; he might think an Horse-Race, or Wedding, want of Pay or Recantation, or Forgetfulness of Part of his Testimony, a Reason; nay, the Witness might be dead, and yet his Oath true, for there might be Evidence by Papers, and one Witness to prove them, and the other Witness departed, and so could not be produced; though these Thoughts are equivocal, yet they'll deliver him from the Charge of a wilful, false, corrupt and devilish Perjury; these short Notices are enough to shew an Occasion of an additional, explanatory Act.

Another Defect is this, that if committed to any Goal in *Wales* as a dangerous Man, or upon Suspicion of Treason, he is remediless by this Law, unless he has Money to pay for a Journey to *London*, and that must be paid down before he shall be brought; for no Judge or other Authority there is bound to bail him, and then if he lies till their Session of *Goal Delivery*, he can't be bailed upon the Want of an Indictment, because the Treason is not specially signified; and then he is left as at common Law, and how uncertain and merciless a Remedy that was before the making of this Act, we and our Forefathers have been sufficiently taught. A further Enemy to Liberty, is a Power still reserved to Judges of a Court, to commit upon Pretence of Contempt to them, and this out of the Act, and such an Authority hath every little petty Court of Record in the Nation, and Mistress *Experience* tells us, every slight Matter makes a Contempt to them, and there's no examining the Cause, for the Court that commits is Judge of the Contempt, and further there's no Deliverance, till Submission and their Discharge.

Add to these Opponents of bodily Freedom, the new found Offices of a King's Solicitor, &c. a Novelty never heard of till the latter End of *Charles II.* and the Subject has Reason to thank God that 'tis so late an Invention, for before that time the King had as few, and since hath had more Causes than any of his Subjects, 'tis from those Mutes that Characters are received, which extorts a bleeding in the *Culprit's* Pockets, for as that moves either open or shut, so doth the Sign of a Shrug with the Shoulder, or a Wink tipt upon his superiour Officer, produce Hardships or Ease to the trembling Goal Bird; perhaps the Hint doth not take, and then there's a Necessity of a secret Whisper, that the Bird in the Cage, is either a damned Tory or a confounded Republican, as the Times respectively require; but if the Medicine requisite was duly applied, then with a Smile in the Face and the Hand on the Purse as the Cause, proceed these or the like Words, *he is an honest, harmless, fair-conditioned Fellow*;

and an immediate Assent to the Parties Bailment or Discharge is the certain Consequence: In old time, the Ability of Bail was tried by Examination upon Oath in Court, but this new Office hath introduced a new Practise of giving Notes of the Names in order to Enquiry, and the Use and the Profit of such Practice is notoriously evident.

Lastly there's a Penalty on the Judge or Judges, if they deny any *Habeas Corpus*, but none if they refuse to bail or discharge, when and where they ought; then there's one thing more which ought to be considered, for it plainly spoils our Claim or Pretence of being a Free-People, and that is the Power of our Lieutenancy as now established, for they are made and continued at the Will of another, and they at their own Wills may commit whom, and when, and for so long as they please; and as I am informed there's no Relief, they sit and act whensoever they are bid, and are composed in all Places and Times of some one predominate Party, for the Ballance can seldom be supposed exactly equal in such Assemblies, and by Consequence the lesser Party must expect their Mercy on every the least Occasion; now considering the Sides and Factions in *England* and their natural Eagerness each against the other, and the small Hopes there are of an Union, methinks true Policy should direct some Measures and Rules of Restraint, to prevent Oppressions and Hardships on either Part; the Form of making such Provision must be submitted.

These are but few among many Instances, which might be produced to evince the Necessity of a new Law; nor is it convenient for a private Person to enumerate every thing of this Kind deserving Remedy; it suffices to offer such and so many *Items*, as may excite the Parliament to consider of these and the other Mischiefs which need a Provision, and to continue Methods accordingly.

To conclude, a Word of Religion cannot be improper, the Act of Toleration hath exempted Dissenters from the Prosecution of the sanguinary and other penal Laws; but that Exemption is imperfect, for that a Force still remains on their Consciences in Respect of their Children, for though themselves are not constrained to frequent the legal Church, yet absurdly enough they are constrained to educate their Children in Methods contrary to their own Opinions and Sentiments, for no School is permitted them, though but to teach the *Assemblies Catechism*, and this seems inconsistent in itself, that their Judgments may be freely pursued in the one and yet restrained in the other, especially if a religious Reason induced the former, for if so the same obliges to the latter.

Now after all, the Intent of these Lines is only to propose and not reflect, and surely thinking must convince Men, that such a Law would add to our Happiness, if procured; nay, it seems strange that any should oppose it, since that the want of it may prove any Man's Misfortune, and no Man can be professedly desirous of Slavery, or dependance on another's Will for Liberty; but to the Shame of our Nation, there are too many in it, that are willing to be Slaves to a few, so as many may be Slaves to them; and from that Corner we expect an Opposition; therefore to provoke an Appetite and Zeal for true Liberty, let us consider our Government and its Nature; 'tis a Monarchy Royal (as an Attorney General hath confessed) and not Seignoral, and by our Law the Subject hath an entire, absolute, independant and uncontrollable Interest both in Land and Goods; now yet without Freedom of Person, and that ascertained,

certained, we are not Freemen but Villains, and shall *Englishmen* content themselves to hold their Liberty upon Will? Let us consider the Examples of our Forefathers and follow them, let us read and recollect how the Patriots of the last Age, *Coke, Selden* and the rest, did esteem and value it, when they tugged it so nobly in their Conference with the Lords, *Anno Car. I. Quarto*, though the Argument then was against general Commitments, yet their Zeal and Courage was true and cordial for Liberty in general, and so ought ours to require an ample and compleat Security on't: If we conceive ourselves in Person to be exempt from the Danger, because the Complaisance of our Principles may secure us from Hazard upon every Turn, let Generosity and a true *English* Good-nature raise a Concern for others, whose Discretion may prove defective upon such an Occasion; nay, the Inconstancy of Men and Things may deceive even ourselves in some Events, and baulk such our Confidence.

Let us be humane and pity the Miserable and Forlorn, that have been made so upon Suspicion only, during the Rage of other Men's Plots either real or sham, or that may become so hereafter upon the like Contingencies; to describe the Misfortunes of Patients in this kind, with their several Circumstances in particular and at large, would I am confident, melt the Soul of the most obdurate Reader, and to affect him there would need no Use of Rhetoric; my Request is only, that he would once visit our common Prisons and view those Lodgings, which have at several Times received the best of our *English* Worthies, and perhaps some of his own Acquaintance; if this be too nauseous a Task, let him but frame an Image in his Mind, that he saw the Body of a disturbed Citizen, haul'd and dragg'd with Swords and Staves, from his House and Bed in the Mid'st of Night; then consider him as bled by some Harpy of a Messenger for a certain Season, and withall listen to those insolent Huffs and Abuses of those insatiable Devourers of Coin and Liberty, during such his Bondage, under their Dominion, then see him hurried to a Goal or Dungeon, there loaded with Irons in abundance, disabling him to sit, or lie, or stand, without actual and continued Torment, excluded from the Benefit of Light or Friend, Pen or Ink, Paper or Book, Fire or Candle, or other Help of Nature, then consider the Fears and Anxiety of such a Captive, either for himself, or Family, or other Relation, and that continued for Nights, Days, Weeks, Months; and invisible to any human Creature, except some griping Turnkey, whose Visits perhaps are followed with the Approach of some devilish Tempter who comes to increase his Torture by the false Promises of Reward, if he will confess, discover and evidence some unknown Story; or else inhumane Menaces of an infinite Misery and Death as its only End in Case of Refusal; then review him as alone, his Soul wreck'd, tortured and distracted between the Dread of Dishonour and Gallows, and his Keeper's Usage chang'd (and that by Command of the tempting Undertaker to facilitate his Design) and then the Wretch's Corps is reloaded with a double Train of Artillery, and therewith removed to a nastier Sty, if such there be, and immediately the Nickhole of Light, if any, is stopt, and the Man left alone overwhelmed with Chains, Darknes and Stench, to which you may add the Disturbance of his Mind and Thoughts about the last Temptation, which is usually repeated while in this or the like Condition; and here you may leave him a while to himself, and

turn your Eye to his Wife and Children with Tears and trembling Attendant at the Grate, after having by Pawns or Beggary got some Guineas wherewith to soften (if possible) the Goaler's Heart, you may hear them begging and intreating for a Sight of this their Relative though at a Distance, nay sometimes praying but a Notice and View of those Exteriors of those Walls, within which such their Dearest lies thus entomb'd, and even this shall be denied with execrable Reproaches and Insults, and all under Pretence of expresse Orders.

Then follow those ambulatory Wretches and you'll find them making their Court to the Criminal, Agent, or his Deputy, for Leave to apply to the Secretary for Leave to see this *English* Slave, and this first Leave must be paid for too, or else there will arise an Hope of Evidence with an Aggravation of his ill Character, and so an Opposal of this their just and legal Right; but anon you'll meet them at *Whitehall*, where, after four or five Days Expence in Waiting, and a Courtesey dropt with a Crown to the Porter, and two of them with double the Sum to the Footman, my Lord's Clerk becomes visible; and when both are doubled again to him, at last the Secretary is seen, but then her first Address proves certainly abortive, and the second procures only an Adjournment for Inquiry and Recollection after the much no Evidence, which however to her Assurance of the Accused's Innocence yield some Hopes, and then it may be the Widow's Importunity extorts a Promise of Speech with King or Council about the Matter, especially if the Dun be followed close; but then Business of Necessity enforces two or three more Excuses, and at last, if the Woman's Patience and Money can hold out to gain a frequent Access, so as to disturb his Lordship with repeated Cries and Tears, a Promise is made of an Order for Leave. Now to tire the Reader no longer with these Difficulties, upon Payment of Expedition Money, and the usual Fees, the Order is drawn and signed, and with Thanks and Joy received; notwithstanding all this Labour and Charge, this Order is not legible at the Prison, unless the Keepers Spectacles be gilt, and when allowed 'tis worth but little, for the Keeper's Presence is commanded, and not a Word must pass between Wife and Husband but in his Hearing, which frequently makes it a silent though mournful Meeting, for Fear of Misrepresentation, and this dear-bought Leave can serve but once, and its Renewal in Price comes little short of the first.

After all this, when the Man's Body hath contracted Distempers, and his small Fortune is quite exhausted, and his Employment with his Credit lost, and consequently his Family undone, and his Children, if not himself consigned to Parish Care; then without Trial or Indictment *Ex mero Motu*, of a sudden an Order issues for the Delivery or Bailment of this miserable Captive; and this called, and must be owned as Grace, though nothing but Suspicion did found the Commitment, or that the Man was thought of a Party, or had been in Company with some that were thought so, and some of them perchance had been dabbling at Treason, or it may be only at true Politicks; and now what Reparation ever was, or ever can be made for such injurious Hardships; this hath been the *English* Practice, and the same may be possibly repeated: It is certainly therefore the Duty and Interest of our Senators to be wise, and consider and provide for their own and our Posterity now in this, their, and our Day.

Further,

Further, consider Imprisonment as a possible and safe Instrument, or Means of Revenge even to Death, for there the Nod of a great Man may be an easy but effectual Guide to a Goaler) I need not add here any Epithet, or harder Name than his own) to provide unwholsome Lodging and worse Diet for his Enemy, especially if he be of a tender Constitution, and then 'tis finishing Work, without the useless Formality of a Challenge, or the ignoble Method of Hirelings and Assassins, or the more base Fatigue of belabouring Witnesses and managing Juries, in all which there's somewhat of Danger and Hazard to the Avenger, and this hath been practiced too in *England*.

When these Particulars are duly considered, with the pretty trickling Retirements of the Nobles and Rich of our Realm, and those repeated several times in one Age and Year, and without Evidence upon some of them, it may be justly expected, that such Consideration will create an Abhorrence of the least Uncertainty or Doubtfulness in the Laws of Liberty.

Some will object that these Proposals will embarrass the King's Affairs in the next Session, and therefore unseasonable; but this Objection doth answer itself, the Occasion for Supplies at present makes our Relief probable in this Conjunction, which upon another Meeting may find greater Opposition; and if the last Session countermined Part of this, a future may damn the whole, therefore now, if ever, is the Attempt convenient: Besides a sound Zeal for the present Government cannot be better testified than by a cheerful Promotion of such Laws, for that these Methods do conciliate and fix the Interests, Opinions and Affections of the People to the Crown, and a Sense of present Ease, Safety and Liberty, with a certain Security of its Continuance is the surest Preservative of Duty and Assistance from the Subject; whereas an Opposition hereto, must make the Government lose Ground by narrowing of its Bottom; for that which crosses the Interest must alienate the Affections of the People, and this hath been found true in three Reigns already within our Memory: No Authority or Power can be so considerable and lasting as that which is founded on Love and Esteem, and those can never be acquired with any great Certainty, but by the Allowance of such Concessions as the People need, or think that they need, and do desire, or demand: Now the Miscarriages of former Reigns with the Observation of the *French* and others Tyranny, which multiplies Commitments upon slight Fears or Suspicions, are so continually in their Minds and Mouths, that their Belief of the Need of such Securities is not to be eradicated.

'Tis a gross Mistake to imagine, that an easy and full Power of chopping Men in Pieces upon a Block, or confining them to *Newgate*, or other Goals, can add any Strength to the Crown, for *Englishmen* generally speaking are fond of a King, not only for his, but their own Sakes, and consequently such Fondness can be but of an equal Duration with their Ease and Liberty, and a Suretyship of its Permanency; for the Loss, or Fear of the Loss of either, will quickly produce Aversion, and that Hatred, and that, somewhat worse: upon which Account, 'tis incumbent upon all true Friends of their present Majesty's to promote this Prosecution of an additional Security.

P O S T S C R I P T.

At last it may be queried, *What need of all this Bustle and Stir about Liberty, when Parliaments meet so often, that their Awe prevents all these and many more possible Oppressions?* To this I'll answer by another Query, *What new Security have we got, that if the War cease, we shall have a Frequency of those Assemblies?*

ADIEU.

A true List of the *French Fleet* for the Year 1692, commanded by the Count *de Tourville*, consisting of two Squadrons, the *Blue* and the *White*, with the Number of Men and Guns. From the Copy Printed at *Paris*, by the *French King's Order*. Licensed and Entered according to Order.

Avant garde commandée par Monsieur de Chasteau-Renaut.

The Avant Guard commanded by Monsieur de Chasteau Renaut.

Noms des Capitaines.	<i>Ships Names Fr.</i>	<i>Ships Names En.</i>	Guns	Men
M. Che. Château Renaut	Le Formidable	<i>The Formidable</i>	94	650
M. le Comte de Relingue	Le Foudroyant	<i>The Thunderer</i>	84	600
M. le Chev. d' Anfreville	Le St. Philippe	<i>The St. Philip</i>	84	550
M. de Coëtlogon	Le Magnifique	<i>The Magnificent</i>	76	550
M. Gabaret	L' Orgueilleux	<i>The Proud</i>	90	650
M. du Maignon	Le Conquerant	<i>The Conquerant</i>	84	550
M. d' Alteloire	Le Fier	<i>The Fierce</i>	76	490
M. le Ch. de Belle Fontaine	Le Belliqueux	<i>The Warrior</i>	76	490
M. de Septe Ville	Le Terrible	<i>The Terrible</i>	76	490
M. de Bellile Ecard	Le Florissant	<i>The Flourisher</i>	84	490
M. de Septemes	Le Tormant	<i>The Torment</i>	76	490
M. Manchot d' Ablemont	Le Triumphant	<i>The Triumph</i>	76	490
M. le Che. de Monbron	Le Couronne	<i>The Crown</i>	76	490
M. Daligre	Le Pompeux	<i>The Pompous</i>	74	450
M. le Chev. d' Anfreville	Le Gaillard	<i>The Gay</i>	68	400
M. le Chev. de S. Maure	Le Contant	<i>The Content</i>	64	380
M. Ch. de Châteaumorant	Le Glorieux	<i>The Glorious</i>	64	380
M. le Marquis Deblenac	Le Sérieux	<i>The Serious</i>	64	380

M.

Noms des Capitaines.	<i>Ships Names Fr.</i>	<i>Ships Names En.</i>	Guns	Men.
M. Demericourt	L' Ecneil	<i>The Shelf</i>	64	380
M. le Chevalier Descombes	Le Brillant	<i>The Glistering</i>	68	370
M. de Socquigny	Le Furieux	<i>The Furious</i>	60	350
M. Che. de la Rougère	Le Fort	<i>The Strong</i>	60	350
M. le Che. de Vilars	St. Michael	<i>The St. Michael</i>	60	350
M. le Che. d' Arbouville	L' Agreeable	<i>The Agreeable</i>	60	350
M. le Che. de Fecquieres	Le Diamant	<i>The Diamond</i>	60	350
M. de Sevigny	L' Entreprenant	<i>The Undertaker</i>	58	350
	8 Brulots	8 <i>Fire-Ships</i>		300

Escadre Blanche Corps de Bataille.

The White Squadron, the Line of Battle.

Noms des Capitaines.	<i>Ships Names Fr.</i>	<i>Ships Names En.</i>	Guns	Men
M. de Tourville Admiral	Le Soleil Royal	<i>The Royal Sun</i>	106	900
M. Forant	Le Dauphin Royal	<i>The R. Dauphin</i>	100	750
M. de Nemond	Le Monarque	<i>The Monarch</i>	90	650
M. Panetir	Le Grand	<i>Le Grand</i>	86	630
M. le Mar. de Langeron	Le Souverain	<i>The Sovereign</i>	84	560
M. d' Amblemont	Le Victorieux	<i>The Victorious</i>	92	700
M. le Mar. de la Porte	Le Fulminant	<i>The Thunderer</i>	96	550
M. le Mar. de la Villette	L' Ambitieux	<i>The Ambitious</i>	96	550
M. le Mar. de S. Hermine	L' Intrepide	<i>The Undaunted</i>	84	530
M. de la Galissonniere	Le S. Esprit	<i>The Holy Ghost</i>	74	450
M. Descombes	L' Illustre	<i>The Illustrious</i>	70	450
M. de Reales	L' Aymiable	<i>The Amiable</i>	68	420
M. de la Rochealar	Le Henry	<i>The Henry</i>	64	400
M. de Colbert St. Marc	De Courtisan	<i>The Courtisan</i>	64	380
M. de Perrinet	Le Bourbon	<i>The Bourbon</i>	64	380
M. du Quesne Guidon	La Siraine	<i>The Mairmaid</i>	60	380
M. le Che. de la Luzeone	Le Courageux	<i>The Courageous</i>	58	350
M. le Che. de Chateaufreneau	L' Assure	<i>The Confident</i>	60	350
M. le Mar. de Rouvroy	L' Apollon	<i>The Apollo</i>	60	350
M. de la Roche Parcin	Le S. Louis	<i>The St. Lewis</i>	60	350
M. du Rivant Huet	L' Excellent	<i>The Excellent</i>	60	350
M. de la Vigerie	L' Arrogant	<i>The Arrogant</i>	60	350
M. de Bagneux	Le Prince	<i>The Prince</i>	60	330
M. Omougon	Le Fleuron	<i>The Blossom</i>	58	330
M. le Che. du Palais	Le Temeraire	<i>The Rash</i>	54	330
	8 Brulots	8 <i>Fire Ships</i>		300

Arriere

Arriere Garde Commandée par Monsieur d'Anfreville.

The Rear Guard commanded by Monsieur d'Anfreville.

Noms des Capitaines	Ships Names French	Ships Names English	Guns	Metr.
M. le Mar. d' Anfreville	Le Merveilleux	<i>The Marvellous</i>	94	650
M. de Beaujeu	L' Admirable	<i>The Admirable</i>	90	650
M. du Hofelart	Le Vainqueur	<i>The Conqueror</i>	84	500
M. le Che. du Chalais	Le Brave	<i>The Brave</i>	60	350
M. de Serville	Le Sans Pareil	<i>The None-such</i>	60	350
M. de Champigny	Le Juste	<i>The Just</i>	64	350
M. Dericourt	L' Entendu	<i>The Skilful</i>	60	350
M. le Che. de Sangere	Le Maure	<i>The Moor</i>	52	300
M. de Very	Le Moderé	<i>The Moderate</i>	52	300
M. le Che. de Pourbin	La Perle	<i>The Pearl</i>	56	300
M. le Che. de Rougemont	L' Heureux retour	<i>The Happy Return</i>	52	300
M. Debellaire	Le Fidele	<i>The Faithful</i>	48	280
	Le Fendant aux Illes	<i>The Tearer of the Isles</i>	54	330
	Le Trident aux Illes	<i>The Trident to the Isles</i>	52	300
	Le Francois	<i>The Frenchman</i>	52	280
	Le Prompt	<i>The Ready</i>		400
	Le Comte	<i>The Count</i>		200
	L' Alcion	<i>The Halcion</i>		200
	Le Tygre	<i>The Tyger</i>		150
	Le Jeu	<i>The Game</i>		150
	Le Neptune	<i>The Neptune</i>		280
	L' Hercule	<i>The Hercules</i>		130
	8 Brulots	<i>8 Fireships</i>		300
	Vingt-six Fregattes	<i>26 Frigats</i>		2650
	Vingt-six Flusts	<i>26 Pinks</i>		1040
	Quatorze Barques Longues	<i>14 Long Boats</i>		800
	Faisant le tout ensemble quatre vingt dix sept Vaisseaux avec les Brû- lots.	<i>Making in all 97 Ship with the Fire-Ships</i>		
	En Hommes 40299 Sans comprendre Messieurs les Officiers	<i>In Men without reck- oning the Officers</i>		40299
	En Canons des Vaisseaux de ligue	<i>Guns in the Ships</i>	5019	
	En Canon des Brûlots	<i>Guns in the Fire-Ships</i>	162	
	En Canon des Barques longes	<i>Guns in the Long-Boats</i>	240	
	Toute l' Armée est Com- posée de 163 voiles, non Compris les traversières	<i>The whole Fleet consists of 163 Ships, not in- cluding those that have Sails and Oars.</i>		

My Lords and Gentlemen,

OF the Proportional Tax in Decimals, an Arithmetician, in two or three Hours, may proportion each County's Share of any Number of Thousand Pounds, whatsoever shall be laid; and if it should be laid wholly on Acres or Houses, it would prove nearly as in the Table: In which I remark, that *London*, or the Lord Mayor's Jurisdiction only, without the Suburbs in *Middlesex* and *Southwark*, bears near the Sixteenth Part of the Tax; that *Middlesex*, abstracted from *London* (the Lord Mayor's Jurisdiction) bears near the Two and Twentieth and half Part of the Tax; and both together, abstracted from *Southwark*, bear the Ninth and half Part of the Tax; that *Cumberland* bears but One Penny the Acre towards the Tax; but *Middlesex*, including *London*, bears Five Shillings and Eleven Pence the Acre; that *Yorkshire* has about the Tenth and half Part of the Acres of the whole Kingdom, the Eleventh Part of the Houses (much about the same Number with the Bills of Mortality) and bears about a Twentieth Part of the Tax. It seems to me, that the Places over-charged have about 150 Parliament Men; those under-charged, about 130 Men; those that have no Reason to complain, about 220 Men. Whether this Table may shew Reason for Alteration of the Method of Taxing, I submit to proper Judges. The Matter of Fact I here endeavour to demonstrate, and am,

My Lords and Gentlemen, Your most obedient Servant,

JOHN HOUGHTON, F. R. S.

COUNTIES.	Monthly Tax, 1691. l. s. d.			Proportional Tax in Deci- mals.	Acres.	Houses.	Parts of the whole Tax. Acres.		Houses.	Acres per House.	Years Tax per Acres. s. d.		House. s. d.	
Bedford	1793	15	6	013032186	260000	12170	a 77th	a 154th	a 96th	21	1	8	35	6
Bucks	2630	12	10	019112214	441000	18390	52	91	63	24	1	5½	34	6
Berks	2264	13	2	016453262	527000	16906	61	76	69	31	1	0½	32	3
Cambridge	2040	0	0	014821067	570000	17347	50	70	67	33	1	2	38	0
Ely	699	15	10	005084147										
Chester	1495	14	4	010866724	720000	24054	86	55	48½	30	0	6½	16	0
Chester City	106	16	8	000776168										
Cornwall	3081	16	6	022390164	960000	25374	45	42	46	38	0	9¼	29	2
Cumberland	336	12	2	002445536	1040000	14825	410	38½	78½	70	0	1	5	6
Derby	1724	16	8	012531308	680000	21155	80	59	55	32	0	7¼	19	6
Devon	6459	18	4	046932775	1920000	56310	21	21	21	34	0	10	28	8
Exeter	232	14	8	001690860										
Dorset	2689	0	10	019536505	772000	21944	51	52	52	35	0	10	29	8
Pool	21	19	4	000159593										
Durham	647	13	6	004705507	610000	15984	213	66	73	38	0	3	9	9
York	6938	10	4	050409913	3770000	106151	20	10½	11	35	0	5¼	15	8
Essex	6196	17	8	045021777	1240000	34819	22	32	33½	36	1	2½	43	0
Glocester	3617	0	6	026278514	800000	26764	37½	50	43½	30	1	1¼	33	0
Glocester City	78	16	0	000572500										
Hereford	2263	6	8	016443636	660000	15006	61	61	77½	44	0	10	36	3
Hertford	2691	12	6	019555272	451000	16569	51	89	70	27½	1	5¼	39	0
Huntington	1267	8	4	009208073	240000	8217	109	166	142	29	1	3¼	37	0
Kent	6653	17	4	048341866	1248000	39242	21	32	29	32	1	3¼	41	0
Lancaster	2013	7	0	014627449	1150000	40202	28	35	29	28½	0	5	12	0
Leiceſter	2159	8	6	015761370	560000	18702	64	71½	62	30½	0	11	28	0
Lincoln	5150	4	0	037417383	1740000	40590	27	23	28½	43	0	8½	30	6
London	8583	2	8	062358430	247000	30997	16		37½				66	8
Middleſex, Weſtm.	6081	2	0	044170858		60120	22½	162	161					

Lincoln	5150	4	0	037417383	1740000	40590	27	23	28 $\frac{1}{2}$	43	0	8 $\frac{1}{2}$	30	6
London	8583	2	8	062358430	247000	30997	16		37 $\frac{1}{2}$		5	11	66	8
Middlesex, Westm.	6081	3	0	044179858	340000	69139	22 $\frac{1}{2}$ 9 $\frac{1}{2}$	162	16 $\frac{1}{2}$	3 $\frac{1}{2}$	0		21	0
Monmouth	780	0	0	005666878	340000	6490	177	118	180	52	0	6 $\frac{1}{2}$	28	10
Northampton	2827	16	4	020544736	550000	24808	49	73	47	22	1	3	27	6
Nottingham	1746	16	0	012690902	560000	17554	79	71 $\frac{1}{2}$	66 $\frac{1}{2}$	32	0	9	24	8
Norfolk	6741	4	0	048976362	1148000	47180	19 $\frac{1}{2}$	35	24 $\frac{1}{2}$	24	1	6	36	2
Norwich	360	0	0	002615482	1370000	22741	184	29	51	60	0	1 $\frac{1}{2}$	7	10
Northumberland	745	11	4	005416712	534000	19007	61	75	61 $\frac{1}{2}$	28	0	12 $\frac{1}{4}$	28	8
Oxon	2271	1	4	016499819	110000	3263					1	0 $\frac{1}{2}$	35	4
Rutland	480	17	10	003493788	890000	23284	287	364	357	34	0	7 $\frac{1}{4}$	24	10
Salop	2407	8	4	017490433	810000	23747	57	45	50	38 $\frac{1}{2}$	0		17	6
Stafford	1705	3	4	012388426	1075000	44686	80 $\frac{1}{2}$	49	49	34	0	6 $\frac{1}{4}$	32	0
Litchfield	26	0	0	000188896			25	37	26	24	1	4		
Somerset	5543	1	4	040271649										
Bristol	398	16	8	002897615	1312500	5122	345	30 $\frac{1}{2}$	227	49	0	9 $\frac{1}{2}$	18	8
Southampton	4378	17	4	031813469	995000	26851	31 $\frac{1}{2}$	40	43 $\frac{1}{2}$	29	1	7	39	2
Suffolk	6597	1	4	047929200	592000	34422	21	68	34	17 $\frac{1}{2}$	1	3 $\frac{1}{2}$	46	0
Surry	3194	0	4	023205262	1140000	34218	43	35	34	53	0	9 $\frac{1}{4}$	22	6
Sussex	3642	15	6	026465594		21537	38		54				40	8
Warwick	2384	17	6	017326663	670000	21973	58	60	53	30	1	10 $\frac{1}{4}$	26	0
Worcester	2107	18	0	015314376	540000	20634	62	74	56 $\frac{1}{2}$	26	0	11 $\frac{1}{4}$	25	10
Worcester City	110	19	0	000806077	876000	27093	35	46	43	32	1	1	35	0
Wilts	3933	15	2	028579655	510000	6501	595	78 $\frac{1}{2}$	179	79	0	1 $\frac{1}{2}$	8	6
Westmoreland	232	0	0	001685533										
Anglesey	251	7	4	001826234	200000	1840	550	200	630	109	0	3 $\frac{1}{2}$	32	4
Brecknock	565	0	11	004105187	620000	5934	244	65	197	104	0	2 $\frac{1}{4}$	22	10
Cardigan	211	11	7	001537171	520000	3163	650	77	370	164	0	1 $\frac{1}{4}$	16	0
Caernarben	544	13	4	003957128	700000	5352	254	57	218	131	0	2 $\frac{1}{4}$	24	5
Carnarvan	293	4	4	002130286	370000	2765	470	108	423	134	0	2 $\frac{1}{4}$	25	5
Denbigh	447	1	2	003247981	410000	6398	308	98	183	64	0	3 $\frac{1}{2}$	16	9
Flint	237	14	8	001727187	160000	3150	580	250	371	51	0	4 $\frac{1}{4}$	18	1
Glamorgan	757	15	8	005505469	540000	9644	182	74	121	56	0	4	18	10
Merioneth	201	12	2	001464730	500000	2590	685	80	451	193	0	1 $\frac{1}{4}$	18	8
Montgomery	552	4	4	004019245	560000	5660	249	71 $\frac{1}{2}$	207	99	0	3	23	5
Pembroke	653	0	0	004744194	420000	4329	201	95	270	97	0	4 $\frac{1}{4}$	36	2
Haverford West	30	6	10	000220439	310000	3158	395	129	370	98	0	3 $\frac{1}{4}$	26	6
Radnor	348	13	4	002533143										
Total	137641	18	2	1,000000000	39938500	1175951								

To follow p. 80.

A true Account of the horrid Conspiracy against the Life of his Sacred Majesty *William III.* King of *England, Scotland, France, and Ireland, &c.* Setting forth by whom it was contrived, how it was to be carried on, and the Manner of its Discovery. Published by Authority. 1692.

SOME of the Ministers in the highest Employments, and of the greatest Credit in the *French* Court, having formed a Design to assassinate his Majesty of *Great Britain*, they made Choice of one *Bartholomew de Liniere*, Kt. *Sieur de Grandvall*, as their Instrument to manage the Enterprize, to find out Persons fit to be employed in it, to engage them by Promises of great Rewards; as also to be aiding and assisting in his own Person.

The said *Grandvall* being informed, that one *Anthony Du Mont* had already been engaged in this Design, in the Life-time of the late Marquis of *Louvois*, he proposed it to him again, to execute the same, by Order of the Marquis of *Barbescieux*, and some others. Whereupon several Projects were drawn up, several Petitions delivered, and many Conferences were held, and at last the Resolution was taken to bring it to effect the last Campaign 1691. But the Providence of God having disappointed them, yet notwithstanding they did not let fall the Prosecution of their horrid Design. But *Grandvall* was employed to write frequently to *Du Mont* (who was retired to *Hanover*) to stir him up to another Attempt this Campaign, which at last they agreed upon.

One *Leefdale* coming to *Paris* about that Time, *Grandvall* making an Acquaintance with him, discovered to him the said Design, which *Leefdale* shewed a Willingness to be concerned in; but soon after gave Notice of it by Letters to his Relations in *Holland*, that they might inform his Majesty. And the like Discovery was made by *Du Mont* to his Highness the Duke of *Zell*, who acquainted his Majesty with it about the same Time that he received the other Account.

In the mean time *Grandvall* having appointed *Du Mont* a Rendezvous at *Uden* in the Country of *Ravesteyn*, he set out from *Paris* in Company with *Leefdale*, passing through *Brussels*, where he communicated his Design to one *John d'Amours*, who was formerly a domestic Servant to *Leefdale's* Father. From thence they went to *Antwerp*, and so to *Eyndhoven*, where *Grandvall* was seized and carried to *Bois le Duc*.

His Majesty directing the Examinations to be taken there, *Leefdale* was first examined, who declared, with great Exactness, all the Circumstances of the Conspiracy. But it is not necessary to mention more of them here, than that *Grandvall* told him, the King of *Great Britain* was looked upon as the only Obstacle to the *French* King's Designs. That *Grandvall* had sent to *Du Mont*

last Winter above 200 Pistoles, to keep him firm to the Business; and that he sent him ten Ducats from *Brussels* by Bill of Exchange. That whilst they were at *Mons*, a Report being spread of some Disorders in *Scotland*, which would oblige his Majesty to cross the Sea again: *Grandvall* fearing it might happen before he could execute his Design, spoke to *Leefdale* in these Words; Dear Friend, we are like to lose our Fortunes: I beg of you that we may go away immediately.

John d'Amours being next examined, deposed, That *Grandvall* told him at *Brussels*, he had a great Business to do, which had miscarried the last Year. And they two falling into a Discourse about his Majesty, *John d'Amours* asked *Grandvall*, if he had any thing to say to the King? Yes, answered he, to break his Neck. *John d'Amours* representing to him the Difficulties that might attend such an Attempt; *Grandvall* replied, I have given my Word to Monsieur *Barbesieux*, and I'll do it. *D'Amours* adds further, That going one Day with *Grandvall* and *Leefdale* by the *Jesuits* Church at *Brussels*, *Grandvall* said, Let us go in and say a *Pater-noster*, that God would bless our Undertaking. And accordingly they went into the Church.

Du Mont having been examined since, has owned the Fact in all its Circumstances; adding several other Particulars, viz. That *Madam Maintenon* was acquainted with the Design; and that *Grandvall*, in one of his Letters sent to him, used this Expression, That he would accommodate the Matter by the Means of *Madam Maintenon*. That *Grandvall* told him, the Business succeeding, he (speaking of himself) should have an ample Recompence, even to be a Duke. That whilst he was at *Hanover* he imparted the Design to Monsieur *Bedal*, alias *Hasfelt*, who was at that time the *French* King's Minister in that Court; that he shewed to the said Monsieur *Bedal* all the Letters he writ to Monsieur *Barbesieux* and *Grandvall*, as also the Answers he received from them; that the said *Bedal* approved the Design, saying, It would be a very good Business, if it could be brought to pass; and that *Bedal* lent him fifty Crowns at *Hanover*. *Du Mont* adds further, that he was intimately acquainted with one *Miller*, an Agent for *Bedal*; that the said *Miller* told him, as a great Secret, that *Bedal* had sent him several times to *Holland* with Dispatches, that came from *France*, for Monsieur *Moreau*, Envoy to the King of *Poland*; that he always gave those Pacquets into Monsieur *Moreau*'s own Hand, and Monsieur *Moreau* gave him the Answers to them in like Manner. And that by the Help of Monsieur *Bedal* and Monsieur *Moreau* the Court of *France* managed their choicest Correspondence in *Holland*.

At last *Grandvall* was examined, who perceiving that the Matter was discovered, and that his own Letters could be produced to convict him, he ingenuously confessed all the Circumstances of the Design, as they are particularized in the Sentence.

After which *Grandvall* being brought to the Army, he was put upon his Trial before a Grand Court-Martial, consisting of General Officers, where he appeared several Times, together with the Witnesses above-mentioned, who not only persisted in what they had already deposed, but added many other Particulars and Circumstances, of which there were very few that *Grandvall* did not

not agree too, and that freely, without so much as naming the Rack to him, either before or after Sentence.

Grandvall, during his Imprisonment, drew up two Petitions to be presented to his Majesty, all written with his own Hand; in which he says, That as to the before-mentioned Design, he acted in it but in Obedience to the Orders he had received from Monsieur *Barbesieux* and Monsieur *Chanlois*. That *Du Mont* was guilty; that *Leefdale* was guilty; and that he (*Grandvall*) was guilty, since every one that conspires against a crown'd Head is worthy of Death, acknowledging his own Fault.

The Judges after this having met several Times, at last gave this Sentence, which is here inserted Word for Word.

WHEREAS *Bartholomew de Liniere*, Knight, *Sieur de Grandvall*, born at *Liniere* in *Picardy*, aged about forty-three Years, and now a Prisoner, hath confessed before the Grand Court-Martial, without any Constraint, by Pain, or being in Irons; and it further appearing to the said Court-Martial, that the late Marquis *de Louvois*, in his Life-time, Secretary of State to the French King, in the Year 1691, entered into an Agreement with one *Anthony du Mont*, about the Murther of his Majesty *William III.* King of *Great-Britain*, &c. and that the said *du Mont* had framed a Project, setting forth in what Manner that Design might be executed; that he delivered the said Project to the said Marquis of *Louvois*; that the Prisoner some time before the Marquis of *Louvois*'s Death, asking his Leave to go somewhere else, was ordered by the said Marquis not to go away, for that he had some Business of Consequence to employ him in, which the Prisoner supposes to have some Relation to the said Design, but the Marquis of *Louvois* dying some time after, there was no farther Progress then made in the said Design.

That the Marquis of *Barbesieux*, Son to the said Marquis of *Louvois*, as also Secretary of State to the French King, having five Days after his Father's Death found the said Project, together with a Warrant for thirty Pistoles to be paid to the said *du Mont*, among his Father's Papers; the said Design was revived again, and the thirty Pistoles were paid accordingly. That the Prisoner contracted an Acquaintance with *du Mont* at Monsieur *Rabenac*'s House, where Monsieur *Paparell*, Pay-Master General to the French King's Armies, saying one Day to Monsieur *Rabenac* (the Prisoner being present) That if they had a Mind to seize the King of *England*, *du Mont* would be a fit Person for it: *Du Mont* reply'd with Execrations, That he would carry off his Majesty alive or dead, as he had promised to Monsieur *de Louvois*.

That *du Mont* having delivered the same, or the like Project, to Monsieur *de Barbesieux*; the Prisoner to promote the said Design, had several Conferences with Monsieur *Barbesieux* and Monsieur *Paparell*, in one of which Monsieur *Barbesieux* told the Prisoner, That he suspected his Father was poisoned by Order of the Prince of *Orange* (meaning his present Majesty of *Great Britain*) and therefore he would be revenged of him. That Monsieur *Barbesieux* told the Prisoner in another Conference, That he would give *du Mont* Notice that his Majesty of *Great Britain* wore a Coat of Mail, which the Prisoner acquainting *du Mont* with, he answered thereupon, It is no Matter, I'll kill him for all that.

That *Barbesieux* had said further, He would not speak himself with *du Mont*, fearing he might be taken Prisoner; and if he should happen then to name him, it might make a great Breach in his Fortune.

That the Prisoner was engaged with one *Parker*, a Colonel belonging to the late King *James*, to put the said Design in Execution; and that *Parker* had told him, He had formed the said Design with the late Marquis of *Louvois*.

That at last the Prisoner, with the said *Barbesieux*, *Paparell*, *Parker* and *du Mont*, agreed upon the Manner of executing the said Design, viz. That the Prisoner and *Parker* should meet at the grand Guard of the Duke of *Luxembourg's* Army, where they were to have fifteen hundred Horse; that *Du Mont* should go to the King of *England's* Army, and watch the time when his Majesty went to visit the grand Guard; and at the same time he was to shoot his Majesty; that the Prisoner and *Parker*, with fifteen hundred Horse, were to rescue and bring him off, the said *Du Mont* giving timely Notice to the Prisoner of the intended Execution. That *Barbesieux* giving the Prisoner Orders to accompany *Du Mont* to *Menin*, he gave him at the same time an Order to the Duke of *Luxembourg* for furnishing the Prisoner with such a Detachment of Horse as he should require, and think necessary for the Design.

That the Prisoner, by Monsieur *Barbesieux's* Order, received of Monsieur *Paparell* eighty Lewis d'Ors; and, in pursuance of Monsieur *Barbesieux's* Directions, he gave to *Du Mont* fifty-five Lewis d'Ors out of that Sum, viz. fifteen Pistoles in Specie, and a Bill of Exchange for 460 Livres, French Money, to be paid at *Ghent*; that the Prisoner accordingly left *Paris* the 11th of September 1691, and went Post with *Du Mont* to *Menin*; that he defray'd the whole Charge of the Journey; that *Du Mont* acquainted him on the Way, that Monsieur *Barbesieux* had promised him an annual Revenue of 20,000 Livres, and to make him a Knight of the Order of St. *Lazarus*, in case the Design took Effect: That the Prisoner coming to *Menin*, went to the Governor Monsieur *Perthus*, as he had been directed by Monsieur *Barbesieux*, and obtained of him a Passport for *Du Mont*, who parted immediately for *Ghent*, promising the Prisoner, that according to their Agreement he would send to him at the grand Guard; that the Prisoner thereupon went to the Duke of *Luxembourg's* Army, and he and *Parker* continued at the Head of the grand Guard till the Day before the Rencontre at *Leuze*, without hearing from *Du Mont*.

That *Du Mont* going to *Hanover*, the Prisoner had kept a constant Correspondence with him about executing the same Design at some other Opportunity; that the Prisoner communicated what Letters he received from *Du Mont* to Monsieur *Barbesieux*, who gave him Directions what Answers he should return: That the Prisoner resolved with Monsieur *Barbesieux*, that the Design should be executed this Campaign, Anno 1692, which had failed the last; that the Prisoner had taken some Measures concerning the same with Monsieur *Chanlais*, Quarter-Master General to the French King.

In the mean time one *Frederick Aelbreyt*, *Leefdale*, heretofore Captain-Lieutenant of a Troop of Dragoons in the Service of the High and Mighty States-General of the *United Provinces*, coming to *Paris*, was brought acquainted with the Prisoner by the Means of one *Sterck*; that the Prisoner having contracted an intimate Familiarity with the said *Leefdale*, discovered the said Design to him
towards

towards the latter end of *March* last 1692, telling him, That an Officer who would ingratiate himself in the King's Favour, must venture at something of Consequence; that he the Prisoner had concerted the Execution of a Design upon which his Fortune depended; that it was indeed a Matter not without Hazard, but the greater the Difficulties were the more would be the Honour, encouraging *Leefdale* to be concerned in it; and the said *Leefdale* shewing a Readiness to comply with him, the Prisoner opened himself with greater Freedom, and told him, That he was engaged last Campaign, with one *Du Mont*, to assassinate the King of *Great Britain*, but it had no Effect, by Reason of his Majesty's leaving the Army so soon; but it was resolved again to put the same in Execution this Year; that *Du Mont*, by many repeated Oaths, had sworn he would do it; yet he the Prisoner feared that if he were not present, *Du Mont* would not so exactly observe his Orders, and therefore he was resolved to go along with *Du Mont*, asking *Leefdale*, If he would be of the Party, who answering, That he would, the Prisoner discoursed to him at large of all Particulars concerning the Design, and afterwards brought him to Monsieur *Barbesieux* and *Chanlais*.

That *Chanlais*, in one of the Conferences held upon that Subject, told *Leefdale*, the Prisoner being by, That a great Reward should be given him, the Business succeeding: That *Barbesieux* and *Paparell* had both of them Knowledge of the promised Rewards.

That he the Prisoner, with the said *Leefdale* and Colonel *Parker*, went to *St. Germain*s on the 16th of *April* 1692, to speak with the late King *James* about the same Design, who had Knowledge of it, and to take leave of him before they began their Journey; that the Prisoner had Audience at the same time of the said King *James*, the late Queen being present; King *James* telling him, *Parker* has given me an Account of the Business; if you and the other Officers do me this Service, you shall never want: And *Parker*, the Prisoner, and *Leefdale* entered into a Discourse about this Design.

That *Du Mont*'s Wife delivered to Monsieur *Barbesieux* several Letters, which she received from her Husband whilst he was at *Hanover*; and the Prisoner continuing his Correspondence with him all the said Time, he engaged *Du Mont* by Letters, especially those dated the 20th and 25th of *April*, and 12th of *May* last, to come from *Hanover* to a Rendezvous at *Uden* in the Country at *Ravesteyn*, in order to take a final Resolution with the said Prisoner and *Leefdale* concerning the Manner of executing their Design; the Prisoner pressing *Du Mont* to hasten his Journey, for Fear the King of *England* should have Occasion to repass the Sea; the Prisoner adding withal, That he should be mad if he failed in his Business.

That the Prisoner, with *Chanlais* and *Leefdale*, where agreed in what Manner the Assassination should be committed on the Person of his Majesty, viz. that when the King should ride along the Lines, or should go out to take any View, or when the Army should decamp, that *Du Mont* should lie in Ambuscade, and when his Majesty should pass within a hundred Paces of him, he should then fire upon the King; that *Chanlais* (to whom Notice was to be given before of the Time) should be with three thousand Horse at the Duke of *Luxemburg*'s grand Guard; that the Prisoner had told *Leefdale*, There would
be

be no Danger for him, since *Du Mont* had a Secret to charm People's Eyes, and at all Adventures they two would keep with those who followed the King; and when every Body was pursuing after *Du Mont*, they should have Time to escape and save themselves, and carry the Account to Monsieur *Cbanlais*; and it little concerned them whether *Du Mont* should be taken or not, provided they could escape themselves; that the Prisoner and *Leefdale* received their last Orders from *Cbanlais*, who told them he was going to *Mons*, and that they should stay for him there.

That the Prisoner and *Leefdale* went from *Paris* the 17th of *April* last, and arrived a few Days after at *Mons*, having waited some time for Monsieur *Cbanlais*'s Arrival; and finding he did not come, they resolved to go forward to the Rendezvous by the Way of *Brussels*; that the Prisoner, as they were travelling on the Way, told *Leefdale*, That their Design taking Place, the Alliance among the Confederate Princes would be broken; that the Princes concerned would each of them recal their Troops, and the Country being thereby left without Soldiers, the King of *France* would easily make himself Master of it, and King *James* would be restored again.

That the Prisoner with *Leefdale* went to the Mayory of *Boisleduc*, and was apprehended at *Eyndhoven*.

And whereas this horrid Design is contrary to the Laws of God, of Nature, and of all Nations, and ought, for the deterring of others from the like Machinations, to be punished with the greatest Rigour, the said Court-Martial having with mature Deliberation examined and considered the whole Matter, have thought fit to judge and declare, as they do hereby declare, the Prisoner to be guilty of High Treason, and do condemn him to be drawn on a Sledge to the Place of Execution, there to be hanged on a Gallows; to be cut down before he be dead; his Body to be opened, and his Bowels taken out and burnt; his Head to be set upon a Pole; his Body to be quartered; and the four Quarters to be hung up where his Majesty shall think fit. And do further declare all his Estate to be confiscated, and condemn him to bear the Charges and Costs of this Trial.

Given and pronounced in the Head Quarters of the Army under the Command of his Majesty of *Great Britain*, by the Earl of *Athlone*, General of the Horse, President; the Lieutenant-General *Van Snavenmore*, and Lieutenant-General *Talmafb*; the Marquis *de la Forest*, the Heer *Van Weede*, Count *Noyelles*, and the Heer *Zobel*, Majors-General, and the Brigadiers *Churchill* and *Ramsay*; *Cornelius Van Wou*, and *Richard Utbwayt*, Judges Advocates assisting, at *Lembeck*, the 11th of *August*, 1692.

Signed,

ATHLONE.

And lower,

By Order of the Court-Martial,

Thomas Du Val.

In Pursuance of the Sentence abovementioned, the Chevalier *De Grandvall* was executed in the Camp on the 13th Day of *August*, 1692. All that he said at the Place of Execution was, to recommend himself to the Prayers of those
that

that were present : But the same Morning before he went to Execution, he writ this following Letter.

Du Camp de Halle, ce 13 Aout, 1692. *From the Camp at Hall, Aug. 13, 1692.*

Mademoiselle,

JE vous prie d'aller trouver Monsieur l'Archevêque de Rheims, avec Monsieur Jourduil, & faire connoître au dit Seigneur Archevêque, qu'il m'en couste la vie, pour avoir obeyé aux Ordres de Monsieur Barbesieux. C'est la grace que vous demande vôtre serviteur,

De Grandvall.

Voyez Monsieur le Marquis d'Arfy, qu'il contribue à faire prier Dieu pour moy.

A Mademoiselle Juré, rue Trevelle, vis à vis de la rue des deux Escus, près de l'Hostel de Soissons, à Paris.

Madam,

I Pray you to go to the Archbishop of Rheims, with Monsieur Jourduil, and to let the Archbishop know, That it cost me my Life for having obeyed the Orders of Monsieur De Barbesieux, which is the Favour desired of you by your Servant,

De Grandvall.

Speak to to the Marquis D'Arfy, That he take Care I be pray'd for.

To Madam Juré, in Trevelle-street, over-against the Street of the Two Crowns, near the Hospital of Soissons, at Paris.

Upon the Occasion of this Letter, it will not be improper to take Notice of a Passage that happened some Days before Grandvall's Condemnation, since it has so great an Agreement with the said Letter, and may serve to explain it, if it needed any clearer Light, which is as follows.

One discoursing with the Chevalier Grandvall in Prison, and observing he sought to justify himself upon the Orders he had received from the Marquis of Barbesieux, he told him, Though that was in itself a very weak Excuse for being engaged in a base Action, yet still it might prove so much the worse, as that it was like enough Monsieur Barbesieux would disown that he gave any such Orders, or that he was any ways concerned with him in a Business of this Nature. To which Grandvall reply'd, Let him deny what he pleases, yet if I were put upon it, I would make it appear very plain ; for I have an original Paper under Monsieur Barbesieux's own Hand, which I have lodged with a Friend of mine, who will not part with it to any one but myself, and no body else knows with whom I have intrusted it.

An Impartial Account of some of the Transactions in
Scotland, concerning the Earl of *Broadalbin*, Viscount
 and Master of *Stair*, *Glenco-Men*, Bishop of *Galloway*,
 and Mr. *Duncan Robertson*. In a Letter from a Friend.
 1695.

S I R,

THOUGH I be none of the most curious to pry into foreign Matters, yet the various Reports we have had of the Proceedings of, and Contests betwixt some of the Members of the *Scots* Parliament, prompted me to desire the Favour of you (as a Person I believe not much concerned in Factions or Parties) to let me know something of the Matters of Fact were in Agitation there: As also who those Persons are, and their Actions have been, who occasioned such great Heats concerning them, at such a Juncture, when all good Men ought to be cemented for the Good of the Publick, and ought to stand by one another, as one Man, to oppose the evil Designs of the common Enemy. For my Part, I find in ordinary Conversation, that both good and bad People speak generally of these Matters, as they affect such Men and Parties, &c.

Sir, I will avouch that my Steadfastness to the present Government is known by good Men to be such, that I cannot in Justice be termed disaffected; and my Interest is so little with particular Parties, that I dare tell so much of the Truth to the Government's Friends, and my own also, as is convenient: Will therefore strain my Inclinations to give you a succinct Account of some Matters of Fact; as also what I could learn concerning these Men you writ of, which can give no Offence: And though my Obligations to great Men (since the late happy Revolution) be little, yet will do them all the Justice imaginable. But before I come to answer your Expectation in Particulars, will take the Freedom (by way of a *Eustick* Preamble) to paraphrase a little upon some wise Men's Sentences. *Seneca* said, that the most universal Vice in the World was Ingratitude, because punishable by no Statute Law, but by public Hatred, and the Discourse of the Schools, which is said to be the greatest Punishment; yea, Ingratitude sways the Scepter in most Places, as well in private as in public Men. Some Men were ungrateful to their Countries (of whom we could name several) and some Countries were ungrateful to their own worthy, loving, and affectionate Children: Pride, Contempt, Avarice, and Envy, are said to be the chief Reasons, and seldom all these concur without Malice, and Height of Rigour: But I suppose that that Part of a Nation is either the indocile, ignorant, or vicious. *Socrates* suffered for doing Good to his Country, even whilst he was doing Good to his Countrymen in Prison, they condemned and put him to death. Some will object, that there is some secret Crime brings on a Punishment, and that some Men suffer for Crimes they may not be guilty of; and so it's their Judgment.

ment. But be it so or not, that's neither Argument nor Excuse for the Instrument's being cruel or ungrateful, to punish by guess, without a fair Trial, and conscientious Jury, in Estate, Fame, or Body; for he who makes no Scruple to take away a Man's Good Name, will make none to take his Life also if he can.

Philosophers as well as Historians declare, that the *Epicureans* denied a Providence, but that the *Stoicks* asserted it; whatever might be in that Contest amongst the ancient Heathens and modern pretended Atheists, yet we, who assume the Name of Christians, must not only own a Providence, that it overrules all Actions, Motions and Events, exalteth one, and pulleth down another; but also createth Friends and Enemies, and that a Society of good as well as of bad Men may differ in Opinion, which oftentimes occasions not only Jealousies, Emulations and Debates, but also Strifes, Contentions, Threats, Persecutions, War, and the Death of many well and evil-designing Men. *Cato* struggled long before the People of *Rome* could understand his Counsels to be for their Good and Safety; he was affronted and contemned by them, nor did they ever consider his Worth till they lost him. *Scipio* was dismiss'd, *Cicero* exil'd, and *Seneca* destroyed, he by a tyrannical Prince only for his Goodness. *Paul* suffered as an evil Doer; yea, our Saviour himself was contemned, set at nought, and condemned to the shameful Cross by his Countrymen, out of Pride and Ignorance, for his Kindness and Goodness to them. So it's no new thing for good and bad Men to be mistaken, and others to be mistaken of them. It is an ancient Saying, That Loyalty often suffers the Punishment due to Rebels, and Treason receives the Reward of Fidelity. There may be two principal Reasons for this; Ignorance, and Depravity of Men's Natures. Ignorants not being Judges of Men fit for Government, nor the Governor's Actions, or Secrets of State, which is generally the Failure or Mistakes of the Populace. Here you will always find *improborum duces*, who influences the blind Populace *vela dare suæ fortunæ*, to accomplish their Designs, though it were upon the Ruins of the Commonwealth. And under the Second, may be comprehended all the Vices of the Mind, which would be too long to be named here; only this one observed by the Wise, That we have the Wickedness of other Men always in our Eyes, but cast our own over our Shoulders (a). This confirms all the Proofs of the former Reasons of Ingratitude. Whence it comes to pass, that a Peasant would be a Tribune, a Tribune a Prætor, a Prætor a Consul (as the Philosopher said) never minding what he had been in a little time before but looking still forwards to what he would be (b). I know not but *Brutus* thought (that when he had destroyed *Cæsar*) to have been *Cæsar* himself; but he had only in Place thereof, Remorse left with him, (with, *Et tu mi file Brute*) for his great Expectations. Both good and great Men we see are subject to Envy; for some People never think themselves happy till such and such Men be out of their Way, as in the Case of *Haman* and *Mordecai*; but neither they, nor the Commonwealth can well know the Want of such Men till they be gone, when there is no retrieving: For in what sad Condition had *Esther* and the poor *Jews* been, if *Haman* had conquered *Mordecai*? And it had been better for *Haman* he had let *Mordecai* alone. Upon which Considerations, it were adviseable for Societies,

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if

(a). *Lineæ foris talpæ domi.*(b). *Fortuna non mutat genus.*

if they be any ways split in Parties, to take the Wise Man's Advice, before they accuse or prosecute, and to consider three Things: First, their Strength whom they accuse. Secondly, the Enterprize and Merit of the Cause. And Thirdly, the Person or Persons they have to do withal; and that in respect of their Superiors, Equals or Inferiors, &c. For as no good Music, so no good Government or Society without Concord, which cannot well be without bearing of Injuries. And *Epicurus* said, That wise Men will bear with all Injuries, *Ardua res hæc est*, where the Public is concerned. I will therefore conclude this Point with a Sentence of *Seneca's*, when in an Epistle to his Friend, he was condemning Anger and Choler, he adds a *But*. But (says he) in case of exemplary and prostitute Dissolution of Manners, when *Clodius* shall be preferred, and *Cicero* rejected; when Loyalty shall be broken on the Wheel, and Treason shall sit triumphant on the Bench; is not this a Subject to move the Choler of any virtuous Man? Now, lest I should weary you too much with this simple Discourse, (yet know it is to my Friend only) I come to satisfy so much your Curiosity as is in my Power, without Reflection or Byass: *Nam pacis mihi cura tenenda.*

Illud amicitiae Sanctum & venerabile nomen

Sed

Dat veniam corvis vexat Censura Columbas

Hæc impedit, &c.

As for the Bishop of *Galloway*, being first in view. In the Year 1686. The late King *James* having sent the Earl of *Murray*, his High Commissioner, to *Scotland*, with Instructions to repeal the Penal Laws against Papists; the aforesaid Bishop stood firm to the Protestant Religion, and though very infirm, went every Day to the Meetings of Parliament, to give his Testimony against the Courses then in hand; for which there were evil Designs against him, but that God removed him in great Age and Peace a little time after the adjourning of that Parliament. He being a pious, hospitable, and generous Man, left his Lady (being upwards of eighty Years old) but poor: His eldest Daughter was married to one Mr. *Patrick Smith*, Advocate, many Years before his Decease. His second Daughter was married to a Parson; and the third was run away with, a little time before his Death, by the aforesaid Mr. *Duncan Robertson*, without the Bishop's or any other Friend's Knowledge, the said *Robertson* judging her to be a great Prize, the other two Daughters being married, and she being then the only Child in *Familia*.

The aforesaid Mr. *Duncan Robertson* was a Highland Gentleman's Son, bordering upon *Athol* and *Lochquhabar*, bred up something to the Law at *Edinburgh*, became a Solicitor that way, and practised that Employ when he run away with, and married the aforesaid Bishop's Daughter.

When the last Earl of *Argyle* was forfeited in those Days, (and his Children scattered here and there, and the Estate being sequestered by the then public Authority; and all *Argyle's* Officers and Friends in his vast Dominions being laid aside) he, the said *Robertson*, what by Money and Interest he made in those Days, stepped into the Clerkship of the Sheriffship of *Argyle*; but upon the late
happy

happy Revolution, *Argyle* being restored to his Estate, the said *Robertson* was justly excluded from the said Office of Clerkship, the same being heritable in the Earl of *Argyle's*, and his Family's Gift, past Memory of Man.

The Lord Viscount *Stair*, he is the Representative of the ancient Family of the *Dalrymple's* of *Stair*, a Barony in the County of *Kyle* in the West of *Scotland*, he being educated in, and endowed with all Manner of Learning and Sciences of our Horizon, was received into the Faculty of (c) Advocates in the Year 1648, having before had (when but very young) a considerable Post in the Army, verifying *Ovid's* Phrase in him, *Pace data terris ad civilia*, &c.

In the Year 1650, he was made Choice of by the then Parliament, to be Clerk or Secretary to the Committee of the Parliament, and Ministers went for King *Charles II.* to *Holland*, where he not only gave great Satisfaction by his Behaviour to the Committee of Parliament, and all concerned in the said Transaction, but likewise King *Charles* took particular Notice of him, &c.

Upon the Restoration of King *Charles II.* he was created Knight and Baronet, and advanced to be one of the Lords of (d) Session, at which time he began to observe and write the (e) Decisions of the Lords of the Session, and afterwards digested them, with former and after Observations of his own and others, in a System or Body, these being Precedents, or Rules to decree by, (afterwards) in parallel Cases.

In the Year 1662, the Presbyterian Government being abolished, and the Episcopal Government established in *Scotland*, there was a Declaration formed, abjuring the Presbyterian Government, all its Consequences, and all the Oaths formerly taken: Which Declaration he not being clear to take, left the Bench, travelled abroad, and coming to Court after his Travels, King *Charles* excused and restored him to his Place again, dispatching a Letter to the Lords of the Session (signifying that Sir *James Dalrymple* of *Stair*, having given him full Satisfaction in relation to the said Declaration) required them to receive him again to the Bench, without signing the same. Thus I find it marked in the Books of (f) *Sederunt* of the Lords of Session, Anno 1664. Then it was that he began to compose a System of the Civil Law, intermixt with the Law of *Scotland*, and Practices and Precedents of that Sovereign Court, which makes the Law intelligible and known to all the King's Subjects there, who can read *English*.

When Sir *John Gilmer* (being then (g) President of the Session) was called up to Court to draw up the Contract (or Articles) of Marriage between the Duke and Duchess of *Monmouth*, the Lord *Stair* was chosen *vice Praeses* of the Session, as he was several times afterwards; when Sir *John Gilmer* turned infirm; and all along when the said Lord *Stair* was a single Lord of the Session, and sitting by Turns on the Bench in the outer House, where most of the Cases and Processes are heard and decreed in the first Instance by a single Lord, and where the Judges as to their Parts, Judgment, Justice or Injustice, are mostly known, having none other of the Lords Votes to interfere with their Judgment; he had the greatest Character of Dispatch and Justice of any Man

M 2

that

(c) A Counsellor at Law.

(d) Or one of the 15 Judges.

(e) Cases.

(f) Journal.

(g) Or Lord Chief Justice.

that ever sat upon that Bench; all Men being desirous to have their Cases brought and tried before him (b).

In the Year 1670, he was one of the Lords who went up to Court about the Union, designed then between *England* and *Scotland*; at which time Sir *John Gilmor* (the then President of the Session) died, and he was advanced to be President of the Session. Upon this Step some envied him.

The Lord President was sent for to Court in *March* 1676, to have some Differences composed, when he was offered to be Chancellor, which he declined. But seeing the great Men then turning into Factions, and fearing the thing which came afterwards to pass, did intend to leave the Bench, and to travel Abroad (i).

In Winter 1679, the Duke of *York* being sent to *Scotland*, ('twas thought, by Advice of the Duke of *Lauderdale* for his Safety) the President would not adjourn the Session, to meet him upon the Road towards *Edinburgh*, (in Procession with all the Lords of Session) as was expected; (and as most of the Nobility and Gentry of *Scotland* did) giving for his Reason in his Speech, (when he, and the rest of the Lords of Session went in their Formalities to wait upon the Duke as a Prince of the Blood, at the King's Palace of *Holyrood* House, the next Day after his Arrival) that the Session could not adjourn themselves (being a constituted sovereign Court, instituted by King and Parliament) without the King and Parliament, which gave Offence; as did also another Expression in his said Speech, *against Popery and Bigotry*; the Duke then masked, and not going publickly to Mass.

In the Spring 1681, the Duke of *Roths*, Chancellor, dying, (when there was a Commission given by King *Charles* to the Duke of *York*, to be his High Commissioner for *Scotland*) 'twas mightily talked then, that the Lord President would be made Chancellor. But in that Parliament 1681, the designing Party of the Nobility and Clergy flattering the Duke of *York*, that all would be as he wished; Matters look'd with a very bad Aspect, the President could expect no Good. Yet, as God said to the Prophet, (that there were seven thousand in *Israel* that had not bowed their Knees to *Baal*) there was some of the Clergy, many of the Nobility, and most of the Gentry, who did foresee the Torrent, they laid aside their private Heats and Emulations, joined Hands to stop the Current, and by Plurality of Votes (though some Things did pass current in that Parliament before that time, would have been prevented, if some Men had not been lull'd asleep,) they did stop more Mischief.

For the President had drawn up a Test for Preservation of Religion, Liberty and Property (too long to be inserted here) made a Speech in Parliament to that Purpose, and, though seconded by very many, was thrown out, but some of the then Court-Party drew up another Test to their Purpose, which was carried the very next Morning into the (k) Articles, and passed current there.

At

(b) *Qui vindice nullo sponte sua sine lege fidem rectumque colebat.*

(i) *Beatus ille qui procul à negotiis, &c.* Horat. car. 5.

(k) The Articles was a Committee of

Parliament then in Use, made up of the Eight Statesmen, Eight Noblemen, and so many Bishops, and Eight Burghers, and the Commissioner and Statesmen ruled all there.

At the Meeting of the Parliament that Morning the Court Test was presented and read, whereupon the Duke of *Hamilton*, the Earl of *Argyle*, *Haddington*, &c. the Bishop of *Dunkell* (*Bruce*), the Lord *Stair*, President, Sir *George Lockhart*, Sir *John Cunningham*, and many others of the several States, stood up to oppose the said Test, but could not do; and all they could gain by the Arguments used, was to get the Confession of Faith (made concerning the Protestant Religion, mentioned in King *James* the Sixth's Acts of Parliament) inserted in their Text. The inserting of which Confession of Faith (the intriguing Party then not understanding the Thing, being fond to pass their own Test with any Quality without Examination) was the very Thing made some of the Bishops, Nobility, and Gentry stand firm against taking away the penal Laws in the Parliament 1686. (They and all the Members of that Parliament having taken the said Test.) But when the Bishops and others of the then Court Party (after the Adjournment of the Parliament that Evening) had met together, and considered what they had done, in voting the said whiggish Confession of Faith (as they called it then) and procured the royal Assent thereto, went in a Body to the Duke of *York*, and exclaimed against the Lord *Stair*, President, as the only Man who had wheedled them in the Matter, by Surprise; but were told the Thing could not be helped then, being it was passed the royal Assent, but that the Contrivers should be animadverted upon; and in some few Days that Parliament being adjourned, and the President in Disgrace, he retired to the Country, sent his Son, Sir *John Dalrymple*, now Master of *Stair*, to the Duke, to signify, that seeing his Father was not pleasing to his Royal Highness, he intended to go to Court, and give up his Commission to the King his Master, who gave it to him. Upon the Delivery of which Message, the Duke of *York* (being surprized) dispatched Col. *Graham* (then his Privy-Purse) Post to the King, to give Account of the Lord President's Behaviour, which was the Occasion the President had no Access to the King when he went to Court; but the King desired to tell him, that he might live at Home privately under his Protection; upon which Assurance he went to his Country House in *Scotland*, did not live there long without an Alarm, which obliged him to repair privately to *Edinburgh* to advise his Safety; nor was he long there, when there was a Warrant to seize him, upon which he went *incognito* to *Holland*: For certainly his Fate had been the same which was the late *Argyle's* if he had staid at Home; when in *Holland* there were Ruffians sent to seize him, but by Providence made his Escape to Corners, diverting himself there with the Conversation of the Schoolmen and Scholars of the two famous Universities of *Leyden* and *Utrecht*, and then writ a System of Natural Philosophy. His Lady was harrassed, and forced to fly to *Holland* also. His House made a Receptacle of Soldiers, his heritable Office taken from him, and his Tenants spoiled.

The then Government raised Procefs of Treason several times against him; but they could not reach his Estate, by all the Stretches of Law were made.

In the Year 1687, King *James* sent him a (1) Remission to *Holland*, which he slighted, judging himself guilty of no Crime deserving a Remission, and being

(1) Or Pardon.

being safe under the Protection of the Prince of *Orange* and the States of *Holland*, rested satisfied.

In *November* 1688, he, the said President, came over with the Prince of *Orange* (now our gracious King) his Majesty being pleased to communicate his Resolutions to him as a Man fit to give, and keep Counsel.

Sir George Lockhart being President of the Session when the King came over (but being unfortunately murdered in *March* 1689, by a base Ruffian, for pronouncing an unjust Sentence against him, as he alledged, though no such thing) my Lord *Stair* was re-established in the President's Chair again.

In the Year 1690, he is created Viscount of *Stair*, Lord *Dalrymple* and *Glenluce*. And though this hath been an Age, where meaner Men were ashamed to serve God in their Families, I will add this one good Quality more to him, that he (besides his private Devotion) was never a Day in the worst of Times but he read the Scripture, and prayed himself twice in his Family, were there never so great or many Strangers present, which might be a Reflection in these Days, but I hope not now, and to tell the Truth, I dare give no worse Character of him. As for his Behaviour in Matters of State, these are Matters I do not meddle with, let him put his Misbehaviour in Public who will venture to do it, if they can; but I judge it will puzzle any to do it; and rational Men will judge, that he who rules his Family best at Home, is the fittest to rule in Public, and I pray God long may such Men rule amongst us. I will not say, but the Lord Viscount *Stair* is envied by some People for his Parts and growing Greatness, but that should be no Argument with rational good Men, being that Men's Virtues ought not to be accounted their Crimes. And I believe he may say in his old Age, *Whose Ox, or whose Ass have I taken (m)?*

The Master of *Stair* is the foresaid Viscount's eldest Son, liberally educated and bred to the Law, being on his Travels in the Time of the *Dutch* War, he and one *Ramsay*, Son of *Sir Andrew Ramsay*, of *Abbots-Hall*, being intimate Companions, happened to be at *Chatbam*, and, as I am informed, preserved one of the King's Men of War from being blown up by the *Dutch*, with the Hazard of their own Lives; for which brave Action (when they were but very young) King *Charles* knighted them, before he knew who they were, thus I heard it.

In the Year 1672, *Sir John* was admitted, after his Trials, to be an Advocate, which Employ he followed for several Years, being of the first Rank.

In the Year 1683, when the said Viscount (his Father) was forced to abscond in *Holland*, as is said before, the Laird of *Claverhouse* (afterwards Viscount *Dundee*) having the Command of the Army, which was sent to the West Country to spoil and dragoon the Dissenting Party (not without our *Scots* Bishops Consent) did attempt to possess himself of the Office of Bailiff of the Regality of the Lordship of *Glenluce* (which did heritably belong to the said *Sir John*, and the Viscount of *Stair* his Father) *Sir John*, now Master of *Stair* (by Creation of his Father, Lord, Baron, and Peer of the Realm) did oppose the Lord *Dundee*, and beat him off, for which he was convened before the Council, and fined in 500 *l.* which he paid.

In

(m). *Hic murus abeneus esto, nil conscire sibi nulla pascere culpa.*

In the Year 1684, the said Master was seized at his own House, when his Lady was just to lie in, and made Prisoner, being suspected, it seems, by the then Government to have Correspondence from *Holland*, and to have carried on Intrigues against the Government; and being brought to *Edinburgh*, was carried from the Palace of *Holyrood-House* (where he was examined by the Ministers of State) as a Trophy (it seems to disgrace him) between the common Soldiers, along the public Streets, to the common Prison, more than half a Mile's Distance; was kept close Prisoner there for several Months, not knowing for what Crime, (but as himself then said) for the original Sin of the Father. At last, after many Petitions, he had the Favour granted him by the Council, to be enlarged to the Castle Prison, where he lay a long time, till the Government was ashamed they could not fix a Crime upon him, set him at Liberty.

In the Year 1687, there being none of the Advocates (but these who were advanced to be Lords of the Session, for their then Zeal and Loyalty to the Cause in Hand, fit to be the King's Advocate (*n*) the Court hoping to gain him to their Party, and to wheedle his Father over from *Holland*) made the Master King's Advocate, (that being the Time of the Toleration) and during a whole Year he continued King's Advocate, there was none prosecuted to death, but one Man, upon the Score of Nonconformity. The Court perceiving the Master's Behaviour in that Post that Year, intending to take another Course, by the Dispensing Power; and finding him not to be a fit Tool for their Purpose, brought in Sir *George Makbenzie* again, to be King's Advocate, and they degraded the Master to be Justice Clerk; then they found out he was the Man saved the Bishop of *Ross*, in *Anno* 1686, by advising him to appeal from the Bishops Court to the Parliament.

Upon the Revolution, the Earl of *Perth* (then Chancellor, fearing the just Indignation of the enraged Mob) taking his Flight, the said Master (and some others of the Privy Councillors) taking care first of keeping Things in Order, and distributing (so far as was then in their Power) the Government in the best Hands; went up to wait upon the Prince of *Orange*, in *December*, 1688, concurred in making the Address to the Prince, for taking on the Administration of the Government, assisted in the Convention 1689, as a chosen Member thereof; was the Man chiefly (with the indefatigable Pains and Endeavours of the late Duke of *Hamilton*, chosen President of the Convention) who concerted the Resolution, and stated the Vote of forfeiting King *James*, and Proclaiming his Majesty and the late Queen, King and Queen of *Scotland*. The Master of *Stair* in conjunction with the Earl of *Argyle*, and Sir *James Montgomery* were voted, and sent up Commissioners from the three Estates of *Scotland*, to make offer of the Crown to their Majesties, when our gracious King was pleased to make the Master his Advocate again, and Lord *Melvil* Secretary of State, &c.

The foresaid Convention being turned into a Parliament (the Duke of *Hamilton* made Lord High Commissioner) some People (who pretended great Matters for Religion, Liberty and Property, being displeased, it seems, that they were not advanced instantly to some Places of high Dignity and Trust in the

(*n*) Attorney General.

the Government, recoiled: And then it was that we unhappily turned into Parties, which put the Subjects in a Ferment, made our Proceedings uneasy ever since at Home, and makes the King's Affairs sometimes to be retarded both here and Abroad, thus by our Divisions, giving too much Encouragement to the disaffected Party.

In the Winter, 1690, the Master of *Stair* was advanced to be conjunct Secretary of State with the Earl of *Melvil*, who, upon the Revolution, was made sole Secretary of State for *Scotland*, as aforesaid, which he did merit as (formerly) a great Sufferer, and always a true Commonwealth's Man.

In the Year 1692. Mr. *James Johnson* was made conjunct Secretary of State with the Master of *Stair*, and the Earl of *Melvil* sent to *Scotland*, to be Lord Privy Seal: And as to these three Persons they continue in the same Stations and Offices still.

The Earl of *Broadalban*, who was formerly called Sir *John Campbell* of *Glenorchy*, an ancient Family in the Highlands, a Cadent of the Family of *Argyle*, when he married the late Earl of *Argyle*'s Sister, (Countess Dowager of the late Earl of *Caitbnes*, who died without Issue-male) he the said Sir *John* was created Earl of *Caitbnes* in the Year 1677, or 1678, and brought several Debts upon the Earldom of *Caitbnes*, and made Use of Force to possess himself of the Estate, which created him Enemies; afterwards, an Heir-male and of Tail appearing to the deceased Earl of *Caitbnes*, he the said Sir *John Campbell* took a new Patent to be Earl of *Broadalban*.

In the Year 1677, by Order of Council, he sent a double Regiment of his Tenants and Vassals, in conjunction with the Marquis of *Athol*, Earl of *Perth*, and several other Noblemen and Gentlemen to the West Country (which was then called the *Highland Host*) there was a Commission of the Council sent along with them to try the Dissenters; this created the Earl of *Broadalban* Enemies also. Upon the Revolution he stood out, but being convinced of his Error as to the Alteration from that of arbitrary and despotick Power, to that of a mild, merciful and peaceable Government, tracing the true Constitution and fundamental Laws of the Nation; he joined Forces and offered his Service to the Government, by bringing in of the Highland Clans and Rebels by fair Means, or necessary Stratagems to make the Effects answer the End.

As for the *Glenco Men*, the Truth is, *hic Labor, hoc Opus est*, to describe them without Reflection upon my Countrymen, which I would willingly avoid; but the real Truth is, they were a Branch of the *McDonnells* (who were a brave courageous People always) seated amongst the *Campbells*, who (I mean *Glenco Men*) are all Papists, if they have any Religion; were always counted a People given to Rapine and Plunder, (or Sorners) as we call it, and much of a Piece with your Highwaymen in *England*: Several Governments designed to bring them to condign Punishment, but their Purses it seems found them out Protectors, and their Country was inaccessible to any small Parties; and though I dare not approve of the Method taken in *January* and *February* 1692 by killing them under Trust, and in cold Blood, yet at the same time they deserved the heavy Hand of Justice, in a regular and legal Manner, which would have made their Neighbours live in more Peace and Tranquility. I do remember when I first heard then of the Matter; I said to some great Persons, that

that the best Method would be to make these Men Prisoners, and send them abroad to be Soldiers, or to the Plantations, and wishes it had been so.

Now that I have given you an historical Account of these Persons in as brief Terms as I could, to make you understand the Men, and the Relation of Matters afterwards, I begin again with the Bishop of *Galloway*, Mr. *Robertson*, and the Lord Viscount *Stair's* Affair.

The Viscount of *Stair* is by his own, his Author's and Predecessors Charters, heretable Bailly or Judge of the Royalty or Regality of the Lordship of *Glen-luce*, within the Bishoprick of *Galloway* for which the Bishop is obliged, and was constantly in use to pay him 20*l.* *Sterling* Yearly of Fee (or Salary) in Money or value, besides the Perquisites of the Court, which is allowed to the Deputy always.

The Bishop of *Galloway* died, as was mentioned: The three Daughters and their Husbands did contend about proving the Will of the Deceased, the Bishop's Widow being Poor, and detained from what Effects the Bishop left, by the Contention and tedious unnatural Law Debates of her Children: Mr. *Hugh Dalrymple* (the Lord *Stair's* Son) being Factor for uplifting of his Father's Rents, the time of his Father's Exile, as abovesaid, and the Viscount himself likewise after his return home, did support her with Money, that she might not starve, during the Law-Debates; for which they took Security both from herself and Mr. *Patrick Smith* her eldest Daughter's Husband to repay them.

After long and letigious Debates, the Lords of the Session pronounced a (o) Decree in favour of Mr *Patrick Smith*, being found to have the best Right, and who supported the Mother by his Credit.

This Mr. *Duncan Robertson*, encouraged (p) by some Persons (not well inclined to the Lord *Stair*, to be sure) presented a Petition to the Parliament upon the the 3d Day of *June* last, complaining that the said Viscount had pronounced an unjust Sentence against him. It would be needless, and not to your Purpose, to repeat all the said Complaint, and the great and long Debates followed thereupon; so I only give you the Substance, and the most material Points in the Complaint; viz. that the President in the Debate betwixt the said *Robertson* and Mr. *Patrick Smith*, should have done Injustice by making up himself (or by his Influence) a Debate, or Minutes and *Interloquitor* subjoined thereto upon the 29th of *July*, 1692, and signed the same privately in the Vacation.

2. That after there was a Decree pronounced in favour of Mr. *Smith* against Mr. *Robertson*, (against which Decree Mr. *Robertson* gave in a Bill of Suspension) upon which Bill the Clerk of the Bills refused to write a (q) *Sist*, by the President's Order, thereby stopping the ordinary Course of the Law.

3. That, the President transacted during the Dependence of the Plea with Mr. *Smith*, as Executor to the Bishop, for a Debt due by the President to the late Bishop, (r) and had an (s) Ease from Mr. *Patrick* of the Debt, and took Allowance of 20*l.* *Sterling* of Bailly Fee, which the Bishop would never have paid.

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The

(o) A Decree.

(p) *Sic stetit sententia.*

(q) A *Sist* is a stop of Execution of a De-

cree by a Judge for a certain limited Time.

(r) Lord *Stair* pay Tithes to the Bishop.

(s) An Abatement

The Answer made to the first was, that if Mr. *Robertson*, or any other could prove against the President, that he did sign any *Interloquitor* or Debates privately, but what was the Meaning of the Rest of the Lords (t) *in præsentia*, as well as his own Opinion, he were most unjustifiable; but nothing at all thereof was proved: On the Contrary, one *Smith*, a Witness (u) adduced by *Robertson* himself, deposed, that the King's Advocate did dictate them, who is a Man of great Honour and Integrity, and owned the same. The Clerk also deposed the same, and Mr. *John Frank*, *Robertson's* own Advocate, deposed, that the Point mentioned in these Minutes, was stated by the President, which should have been debated, Mr. *Robertson's* Advocates declined to Debate, and Mr. *Patrick Smith* craving a Decreet, and that the same was pronounced in Mr. *Franks* own Hearing and others, so not done privately. Two of the Lords of Session, *Halcraig* and *Croftig*, deposed to the same Purpose, and one of these Lords doth exactly remember, that before the Cause was called, the Lords resolved, that the Parties should debate the very Points mentioned in the Minutes, which was stated truly by the President, as all the Lords resolved. And it is further cleared (the aforesaid *Interloquitor* being *res gestæ*, known to, and authorized by all the Lords) by a subsequent Decreet of Suspension which followed thereupon the first of *February*, 1693.

It was answered to the Second, that the Clerk of the Bills, *James Nicolson*, did refuse to receive or write upon the Bill of Suspension, because Mr. *Robertson* was litigious, and after two DECREETS *in foro*, he offered a third Bill, and Mr. *Patrick Smith* having found Caution or Surety to relieve Mr. *Duncan Robertson* and his Wife of any Process might be intended against them, as Executors to the Bishop, (which was the Pretence or Reasons of his last Bill of Suspension) and all the Lords rejected the Bill, and discharged the Clerk of the Bills to receive any other Bill of Suspension from Mr. *Robertson*, except upon Obedience, he having refused to debate before; which Deliverance was shewn and duly intimated to the Clerk of the Bills, which is his Warrant: And that the President never spoke directly nor indirectly to him about the same. The Lord *Aberucbill* also ordinary deposed, that the Clerk did refuse to write a *Sift* by Reason of the said Deliverance of the Lords *in præsentia*.

It was answered to the Third, that, as was said before, Mr. *Hugh Dalrymple*, by his Father's Orders, (when in Exile) and the President himself when he came Home, advanced Money to the Bishop's poor Widow, to save her from starving, during the Dependency of the Plea, for which they took Bond, to be repayed as aforesaid, which was a Security to them *in omnem eventum*, without any Dependance upon the Event of that Plea of Law: For though Mr. *Robertson's* Title had been just, and sustained by the Lords, the President's Security was good beyond Exception.

1. Because the Widow was provided to a considerable (x) Life-Rent by her Husband, which was a Debt undeniably preferable to the Interest of either Party, *Smith* or *Robertson*; and the Advancement to her being less than her Provision, the President could have no Byass that Way; besides that, Mr.
Patrick

(t) In Presence of, and by the unanimous Content of all the Lords.

(u) Produced.

(x) Or Annuity.

Patrick Smith also had an unquestionable Interest in the Dead's Part, and the *Legittim*, and had acquired the Interest of a third Sister, as *Mr. Robertson's* own Bill to the Parliament doth acknowledge. So there was no Hazard to, or Injustice in the President, tho' he had advanced more to *Mr. Patrick*, or the Widow, which he never did, and made no other Transaction, but as aforesaid.

And as to the other Member of that Allegation, that the President got an Ease from *Mr. Patrick Smith* of the Debt due by him to the Bishop;

It was answered, That it was a very false Allegation: For by the Discharge granted to the President, it will appear, that the several and particular Sums paid, are instructed, either to be paid by the President himself, or *Mr. Hugh Dalrymple* in his Absence; that the President had no Advantage by it, nor was the President concerned what *Mr. Duncan's* Claim was against the Bishop, or his Executors, seeing the President was not obliged to pay any more to the Bishop, or any claiming Right to his Estate, but what was truly due, and to them who had the best Right.

As to that, That the President should have taken an Allowance of 20 *l.* Sterling to himself yearly of Bailly-Fee. The President owns he did take the same, and Instructs his Right by an original Charter, *Anno 1560*. And by another Charter under the great Seal, *Anno 1618*, both Charters bearing an heritable Office of Bailiary, and a Fee of Three Chalders of Meal out of the first and readiest of the Fruits and Emoluments of the Lordship of *Glenluce*, which three Chalders of the Measure of *Wigton* (which is the Measure of that Country) will be four Chalders and a Half of *Linlithgow* Measure, and which would be worth more than 30 *l.* Sterling yearly; yet the President being only in Use to receive an Allowance of 20 *l.* Sterling, he exacted no more. And as the said President's Right was instructed by his Charters, so the Use of Payment appeared by two several Agreements, one with Bishop *Hamilton*, *Anno 1666*, who preceeded Bishop *Aitkin*, and another, *Anno 1688*, with Bishop *Gordon*, who succeeded him, both stating the Bailly-Fee at 20 *l.* Sterling yearly. After debating of these Points before the Parliament, it was moved, that the Affair should be committed to a Committee chosen for that particular Case, but it was carried by Plurality of Voices, that it should be committed to the Committee of Safety, who were appointed to give their Report thereof in open Parliament upon the Tenth Day of the said Month of *June*. And the Committee having accordingly examined many Witnesses upon the most material Articles of the Complaint, viz. The alledged Injustice of the Sentence, nothing was proved, as I can see, against the Viscount of *Stair* by *Robertson*; on the contrary, it was proved by the Depositions of the Lords of Session, *Mr. Robertson's* own Advocate, and several other Evidences, as abovesaid, that the President's Transactions were fair, and the Sentence just; so that *Mr. Robertson* did not think it adviseable to insist upon the other Articles of the Complaint. Upon the tenth of *June* it was moved, I hear, in behalf of the Lord President, that the Parliament would call for the Report of the Committee, and either declare the President guilty, or if nothing of the Complaint should be proved against him, that they would acquit the Lord-President, and appoint a suitable Punishment upon the Libeller for so impudent a Calumny; but the

Motion was not favoured, there being Matters of greater Importance in Hand. However the President's Friends say, they are glad (that even now in his Lordship's Absence) there are no greater Matters of Complaint or Accusation found against him through the whole Course of his Life, being sufficiently vindicated of his Accusation by these and other Grounds represented, judging there is enough known (and will be justified by all good unbiaſſed Men) of his long Service in the Publick, Integrity of Life, Firmness of Principles, his and his Families Sufferings in dubious and dangerous Times, and dutiful Adherence to his Majesty's Interest, before and since the late happy Revolution: And that they do confidently hope that his Majesty's High Commissioner, and the Honourable Estates of Parliament will sometime or other find the Justice of the Nation interested to see the Laws and Acts of Parliament for securing maintaining and defending the Honour and Reputation of Judges (who do represent his Majesty's Person and his Authority) fully and effectually executed by the exemplary Punishment of the malicious Libeller, so as Judges in all time coming may be fenced and secured from such bold and insolent Attempts. And upon the whole Matter, the President's Friends say further, that he lost 100 l. Sterling by these Transactions concerning the Bishop's Affair, which he never expects again; so that according to the wise Man's Saying, As it is a hard Matter to be both popular and just, so to strike and not wound, is Anger lost, for he is invulnerable, and not hurt who is struck.

As for the Matter of the Indictment against the Earl of *Broadalban*, in so far as I can learn, the Matter is thus: That the Earl *Anno* 1691, promised to the King to reclaim the Highland Rebels, which Way he did it, is in Publick now; but *Mac Donnel* of *Glengary* (who is the most sensible, and of greatest Probity amongst them) came in, and deposed before the Parliament, That the Earl did, by Articles agreed upon betwixt him and them engage, that if King *William* could not condescend to such and such Articles, he, the said Earl, should with all his Friends and Followers, join the Highland Army. The said Deposition being read, it was moved that the King's Advocate should be ordered to commence a Process of High Treason against his Lordship, and that he in the mean time should be committed Prisoner to the Castle of *Edinburgh*. And 'twas pleaded for the Earl, that he might have time to deliberate his Answer before Impeachment, this being a Surprise to him, and doubted not but he would make it appear to the Parliament there was no Ground for the Impeachment.

It was further pleaded by the Earl, That *Glengary*, not being summoned by a Judge to come in as a Witness against him, and especially considering that he was a *Roman* Catholick, had been in Rebellion against the King, and never knew he had submitted to the Government, unless done privately at this time, and carrying an inveterate Enmity to the Earl's Family, he hoped the Parliament would not found a Process of High Treason against him upon his Deposition. These Arguments did not prevail.

It was further pleaded by the Earl, that he had an ample Commission from the King to do in that Affair all that he should think fit for effectuating his Design: That as well his Majesty as all the World knew that in such Negotiations there must be Allowances for Men commissioned to go, or at least pretend to go great Lengths,
and

and to yield to such Condescendencies as they find most taking for accomplishing the Design. That the Effect and Consequence had justified the Methods he had taken. That not only they there sitting, and their Constituents at home, who suffered most in that unnatural and cruel War, but also the Kingdom of *England* (who for its own Safety was obliged to maintain some Regiments here in *Scotland*) yea, and all the Confederacy had reaped Advantage by his Conduct in that Treaty, many Troops and much Money being now employed against the common Enemy abroad, which that troublesome War had exhausted for several Years here at home. That seeing the Thing itself was good and advantageous for the Nation, he wondered Persons should take Exception against the particular Methods which in Prudence he was obliged to take in carrying it on; however, that he had made it known to their Majesties, whatever he had said or done in that Affair, and had their Approbation since.

It was alledged that Things now libelled, were not then known. It was answered, that upon a Complaint given against the Earl for these very Things he is now accused of, his Majesty recommended to the Privy-Council here to make Enquiry into the Matter, which was done accordingly, and transmitted to the King; that the Minutes of Council would clearly shew the same, and desired that the Minutes might be called for, but the Parliament did not think fit to call for them. The Earl of *Melvil*, then Secretary of State, and now Lord Privy-Seal, 'tis said rose up, and avouched the Truth of what had been said, and asserted, that the Precognition taken by the Council, was upon a Complaint (if not in the same Words, yet at least to same Purpose) with what was contained in *Glengary's* Depositions, was sent by the Council to him, as Secretary of State then; that he shewed it to the Queen (the King being then in *Flanders*) who kept it a whole Night by her, that the next Day he transmitted it to the King, who (he knew by the Returns he got from *Flanders*) received and perused it. The Duke of *Queensbury* did declare likewise, that it consisted with his Knowledge that his Majesty received the same; he being then in *Flanders* with the King, and heard his Majesty's Discourse of the Matter very often.

Upon this some Person moved, that seeing his Majesty had taken the Earl's Behaviour to his own Consideration, and had been informed of all the Methods of his Proceedings in the Matter, and had shewn a Satisfaction with the Earl's Conduct, by preferring him at that time to several Places of Honour and Trust, the Parliament would please not to proceed in an Affair of such Importance against one of His Majesty's Ministers of State, until he was first acquainted with it. But this being refused, it was desired in behalf of the Earl, they would delay Proceedings at least until the next Meeting; but it was voted and carried, that the King's Advocate proceeded immediately against him; and an Order of Parliament was signed for committing him to the Castle, where his Lordship was carried immediately after the rising of the Parliament. The Lord Advocate sent him a Copy of his Indictment, and he was ordered to give in his Answer thereto by the first of *July* instant. Upon the first instant the Earl desired an Exculpation which was granted to him. Upon adjourning of
the

the Parliament to the Seventh of *November* next, the Prosecution of the Earl is delayed 'till that time.

As for the Matter of the *Glenco* Men, which made so much ado, we are something in the Dark as yet, nor will I meddle to speak, much less to write of any Point the Parliament have voted, only the historical Part of that Matter is this.

That when the Earl of *Broadalban* did undertake to cause the Highlanders to lay down their Arms, give over Hostility, and to give passive Obedience to the present Government, by taking of the Oaths (which was very well done, whoever did it) before they laid down their Arms, there were two or three Indemnities issued forth by his Majesty, encouraging them to come in; and they did come all in by the prefixed (y) Diet in the last Indemnity, except the *Glenco* Men, who it seems finding themselves without Help or Support by the other Chieftains and Clans coming in, Old *Mac Kean* of *Glenco* himself only (as I am informed, as *ad aram ultimam*) went to, and prevailed with *Campbell* of *Arkinglass*, Sheriff-Deputy of *Argyleshire* (a very worthy honest Gentleman, and formerly a great Sufferer) six Days after the Diet was elapsed, who received him, and *Mac Kean* took the Oaths; though at the same time it was, and is still the Opinion of many good Men, that to confide in these Men, or to bring them to Conformity to the Government were *Penelope's telam texere*.

Nor did the taking of the Oaths after the Diet prefixt was elapsed, save or protect them or him from the Lash of the Law (not having come in, in the Terms of the Law) the Mercy tendered in the Indemnity being conditional, in Case they came in, and submitted before, or upon such a Day: but was a Ground for Mercy and Mollification of the Rigour of the Law, supposing him or them to have taken the Oaths *bono Animo*, and upon true Repentance. I do not hear the rest of his Followers came in, and took the Oaths, judging, it's like, he and they were safe by his only taking of the Oaths, though *post Meridiem Diei*. The Court (it seems) not knowing of these Transactions at a great Distance of four or five Hundred Miles (and being informed by all Hands that they were Nests of Thieves and Robbers) His Majesty, after Refusal of many offered Mercies, sent to treat them as Enemies and Rebels: Yet at the same time his Majesty, by his Instructions, as I am informed, left Room for Mercy to them, according to Discretion, and Circumstances of Time and Affairs, which is all could be expected in Reason from his Majesty.

The Master of *Stair*, Secretary of State, writ Letters, it seems, likewise at the same time to the Government, or Officers of the Army there, much to the same Purpose, but (its said) in severer Terms, and exceeding his Majesty's Instructions, to treat them like the Men they were represented. What may be in this we know not, not having seen the Master's Letters; but many wish that they and all the Instructions relating to that Matter of the *Glenco* Men, had been printed, to undeceive the Generality of good Men, who speak as they affect, but could make no true Judgment of the Matter, as it then stood, only this, that the Parliament has been very zealous to discover at whose Door the fault, in killing the *Glenco* Men lies. That they were kill'd in cold Blood, and under Trust (z), judging themselves secure and safe (with their thirteen Days

Guests

(y) Diet signifies the Day appointed in the Indemnity to come in by.

(z) *Faber est quisque Fortunæ suæ.*

Guests or Lodgers) is undeniable. But in fine, the Parliament, as you have it in Publick, finds that his Majesty's Orders and Instructions had Mercy in *Græmio*, so that it cannot lodge there, and God forbid it should. They have likewise voted Sir *Thomas Livingstoun* Commander in chief of his Majesty's Forces in *Scotland* (who sent the Orders to Colonel *Hill*, Governor of Fort *William*, and *Hamilton*, his Lieutenant-Colonel) clear of it, as also Col. *Hill*, have summoned Lieutenant-Colonel *Hamilton* to appear before them, to answer concerning the said Matter; and upon further Scrutiny where the said Murder will fix I know not (*Grammatici certant, & adhuc sub Judice lis est*) for the common Soldiers will readily say, that they obeyed but their superior Officer's Command; and the Master of *Stair*'s Friends here say, that they desire the Master's Letters to be printed, that the World may judge of them; and if he be judged to have exceeded Bounds, or his Majesty's Instructions, it was his Zeal for the Government, but never intended at the same time that these Men should be killed in cold Blood; and that he did not at all know that any of the *Glenco* Men had taken the Oaths, (either before or after the Diet) when he writ these Letters, being at Court four or five Hundred Miles distant, as said is; so it's wish'd the Men, who had the Trust of the Execution of the Matter upon the Spot, had acquainted the Court, or our Government of these unhappy Men's then Circumstances, before they went so far on, in which Case I doubt whether any of them had been killed or murdered, and consequently no Reflection had been upon any Part of the Government, or any ever mentioned in the Affair. It's an old Saying, That the Counsels of wise Men are certain, but Events uncertain.

As for my own Part, I know nothing of it, but God in Heaven, and the Master of *Stair* himself knoweth best if he be guilty of a designed Murder of these Men, or any others: Nor will I argue about any Point, such a wise, loyal Parliament have voted or found. But this I may say, that I do not understand where the Master of *Stair*'s Interest lay to destroy the *Glenco* Men, for if he be any ways suspected to be a *Jacobite*, it was not his Interest upon that Score to destroy them by any Means, of all Men in *Scotland*, their Religion and blind Zeal bending them then altogether that Way, whatever new Light these who are living of them have found of late, and if he be thought to be a Church of *England* Man (though that be against our present Constitution, yet no man in his right Wits will call it a Crime.) These Men were not Presbyterians, to be destroyed upon that Score; nor do I think any Man would be so mad as to bribe him to kill them by Authority, without the Hand of Justice going along with it. Some good-natured People may say, out of Good-Will to the Master, that they were idle Men, Robbers, Thieves, & *Telluris inutile Pondus*, granting all that, yet a Statesman's Interest was, to make their young Men Soldiers, or to send them to the Plantations, which had been to good Purpose. But a Man of his Trust, Capacity and Reason, to be accessory to their Destruction in cold Blood, is unaccountable, if he were really guilty; and being the Honourable Parliament has found that Slaughter a Murder, (as no Doubt it was) in the Manner it was done, and that the Master exceeded his Majesty's Instructions, it were a very pertinent Question to ask, What under God's Heavens was the Master's Bias or Interest in the Matter? I can imagine none. There was an Information

Information printed and dispersed (as you heard formerly) by Commissary *Dalrymple* (hearing that his Brother, the Master of *Stair*, and his Letters were made mention of in the Commission appointed for examining the *Glenco* Business) in Vindication of his Brother's Behaviour and Conduct, as Secretary of State, in the said Affair; representing, that if People did construct some Paragraphs, Sentences, or Periods of his Brother's Letters so and so, without Connexion of other Sentences, &c. without hearing (in his own Absence) they did not know what to say of it. But if one Sentence, &c. were connected with others, the whole would not bear the Commentaries the People might put upon them *separatim*, (a) and several other Arguments to this Purpose. The dispersing of which Informations, after the Commission's Sentiment (and they being ready to report their Opinion in open Parliament) gave Offence to the Parliament. He said, his printing and dispersing of them, was before the Vote of Parliament, and said, he intended to give no Offence, mean time he was reprimanded, and was obliged to beg Pardon.

The Parliament since summoning of Lieutenant-Colonel *Hamilton*, have declared him Fugitive, for not appearing, he is gone since into *Flanders*, as we hear, to wait upon his Majesty. The Parliament have likewise made an Address to the King, to send Persons home, who may be found guilty, to be prosecuted for the said Murder, or not, as his Majesty thinks fit.

Sir, This Parliament have done great things for his Majesty's Service, and Safety of the Publick: For though there might have been some Misunderstandings between some of the Members, yet all concurred unanimously to serve the King and the Country. You know what was said concerning the Nation and Commonwealth of the *Romans*.

Tantæ molis erat, Romanam condere gentem.

For great Matters take up much time to effectuate the Ends proposed; so as we have had good Beginnings, good Proceedings, hopes all our Matters will end well; for though the almost desperate and uneasy *Jacobites* (who but fish in muddy Waters) should vaunt upon the Occasion of some Accidents, (as to see some honest, well-meaning Men differ only in Points of Opinion,) they being a People soon elevated to Castles of the Air, and soon cast down to the Dust, yet all the Bustle they make, comes to nothing at last, but exposes themselves the more to Folly. And I am very apt to believe, that all our seeming Differences would vanish upon the Sight of our most gracious King's Presence, upon his Throne in our Parliament; so will conclude with a great Moralist's Saying, or to this Purpose, That by the two Blessings of Reason and Union, we might secure and defend ourselves against the Violence of Fortune; Sense and Reason we have enough, and what is wanting of the latter, the Defeat of *Lewis Le Grand*, and our most gracious King's (I mean King *William's*) Presence once here in our Parliament, would, I am certain, effectuate. I long to see his Majesty here. *Vale, & bene valeat & vivat Rex noster Gulielmus.*

Querela

(a) It's a saying of the great *Seneca*. That the best Way to help every Thing is by a fair Interpretation, and where there is a Doubt, is to allow it the most favourable Construction.

Querela Temporum: or, the Danger of the Church of
England. In a Letter from the Dean of ----- to -----
Prebend of -----

Dear Sir,

LET me employ some few Moments in venting my Thoughts to you at a Distance, upon that Subject which has taken up so many of our Hours while we were together. The Impression grows stronger upon me now that I am alone, and left to the Mercy of tormenting Reflections. The Ruin, which you and I have often bemoaned, visibly threatening our Church, is exceedingly magnified, and embittered to me, and must be to us all, when we sadly consider how we have been led on in our Simplicity, like the Men that followed *Absalom*, to be the Instruments of our own Destruction: And have been engaged so far in it, before we were aware, that we are now afraid to look back, though we are astonished to think what the End of all may be.

I am sufficiently assured, that much the greater Part of the Clergy have come in to the Government, as you and I have done, out of a Prospect to preserve the Church: For if all had stuck out, we did dreadfully apprehend that the Presbyterians, considering our King's Education and Biass that way, and their great Merit in the Revolution; (for we were but drawn in, and that late, by a seeming Necessity, and unwillingly.) Our Reluctance, which we could not conceal (and at first many of us did not desire to conceal it) was the public Discourse of the Nation; and so much taken Notice of, that the Act imposing the Oaths did not suppose that all the Clergy would take them, and therefore left a Provision for a certain Number of such of them as should refuse the Oaths (which I am heartily sorry has not been applied;) and those of us who took the Oaths, did it with such Distinctions and Declarations, and Salvo's, as made it plain to all the World, that we were not hearty in it, but had a doubting, which is a resisting Conscience. Whereas the Presbyterians, and Commonwealth-men, (with some Atheists and Latitudinarians, who called themselves of our Church, though no otherwise than because it was established by Law) were at the Bottom of the whole Contrivance of the Revolution; and derided us to see into what a Noose they had brought us, that we knew not what to resolve upon: Whether to venture the Reproach of the Nation, by a Change of Principles (at least as it would be thought) and to go in to the Government; or to leave King *William* wholly in their Hands who brought him in, and to run the Hazard of all the Consequences would follow from his looking upon the Church of *England* as his Enemies, and the Presbyterians as the only Church which would stick by him. I say, these Considerations, joined with his own Inclination, and the little Zeal of the Generality of the Laity for any Church or Religion, farther than suited with their Interests, made

us to apprehend, that if we had not taken the Oaths, the whole Church might have been overturned all at once; and Presbytery, or something like it, set up in its Place, as has been done in *Scotland*.

When these Considerations had determined us in this Matter, we were not yet without great Fears what might be the Consequence, on the other Hand, that King *William* could not possibly but see that our Conversion was forced, and counterfeit, and would (as such Conversions always do) make us greater Enemies to him than we were before: And that therefore having served his Ends by us, he would watch his Time to destroy us. That he might compass it more easily, though may be not so speedily by our Compliance, having by that made us cheap, and broken our Authority with the People. And (O my Friend) how has he succeeded in that! if that was his Design. I believe no Age can produce so sudden and great a Change, as 'twixt the Affections of the People to us at this Time, and what they were while King *James* was here. I am sure it is a changed World with us, whatever it may be to others! We were then *Hosanna'd*, and now it is next Door to Crucify, while they cannot refrain shewing a Concern and Reverence for our deprived Brethren. So that it is plain, the Cause of our Contempt is our Compliance with those who do now reproach us: And it is needless to argue, That they are in the same Fault, and were first in the Fault, and drew or forced us in. They say we were their Guides, and ought to have led them, and not to have been led by them. They think it no great Matter for them to be in a Fault; they think they have a Privilege to be less strict than the Clergy; and to be severe upon our Miscarriages, seems, in some sort, a Vindication, at least an Alleviation of their own: Which though a very bad Argument, yet we suffer under it.

And it terrifies me to consider how much we may yet suffer by it, when I reflect that the Inclination of the People was made a sufficient Pretence to root out Episcopacy in *Scotland*, notwithstanding that the Prince of *Orange's* Declaration to that Kingdom from the *Hague*, before he came over, bound him to preserve their Church, as then established by Law, as well as ours.

If you think that the Inclination of the People can never be made a Pretence against Episcopacy in *England*; you will alter your Opinion when you see how little Reason there was for that Pretence in *Scotland*; as it is made fully appear in the Defences and Apologies of the Episcopal Church of *Scotland*, which have been printed here since this Revolution: Which also gives an Account by what Means and Methods a Convention was obtained there, which should vote against Episcopacy.

As to the first, The Inclinations of the People; take the Account given in one of their Apologies, which was digested into ten Questions, and printed here, *Anno 1690*, which informs us,

‘ That the Nobility of the Kingdom, (a very few, not above a Dozen excepted) had all sworn the Oath, commonly called the *Test*, wherein all fanatical Principles and Covenant Obligations were renounced and abjured: That not one of forty of the Gentry, but had sworn it also; and that not fifty (Gentlemen) in all *Scotland* (out of the West) did, upon the Indulgence granted

* granted by King *James*, Anno 1687, forsake their Parish Churches to frequent Meeting Houses.

* That the Generality of the Commons live in Cities, and Market Towns; that all who could be of the Common-Council in such Corporations, or were able to follow any ingenious Trade, were obliged to take the *Test* (and had generally done it:) That the Clergy stood all for Episcopacy, there being of about a thousand scarcely twenty Trimmers betwixt the Bishop and the Presbyterian Moderator: Which twenty, together with all the Presbyterian Preachers, could not make up the fifth Part of such a Number as the other Side amounted to. That in all the Universities, there were not four Masters, Heads, or Fellows, inclined to Presbytery: That the Colleges of Justice and Physic at *Edinburgh* were so averse from it, that the Generality of them were ready last Summer (*viz.* 1689) to take Arms in Defence of their Episcopal Ministers.

Thus that Author. And, which is yet a far greater Confirmation of all this to us, his spiteful Presbyterian Adversary, *G. K.* in his first Vindication of the (Presbyterian) Church of *Scotland*, which was writ in Answer to these ten Queries, and printed here in *London* 1690, and reprinted at *Edinburgh* 1691, gives such an Answer to this, as is a plain Confession of it. He yields plainly, all the Gang of the Clergy, (as he calls them) except a few: The Universities, and College of Justice, at least, as lately stated; and the Generality of the Burgeses.

But then he endeavours to make some Amusements as to the so universal Defection (in his Sense) of the Nobility and Gentry, not only in taking the Anti-Presbyterian Tests in the Reign of King *Charles II.* (as Fear, Interest, and such sordid Excuses) but in adhering still to the Episcopal Communion after King *James's* free Indulgence 1687, for which no Reason can be given but their own Inclinations; the Favour from Court lying then rather on the other Side.

In another of these Scots Tracts, called, *An Account of the present Persecution of the Church of Scotland*, published 1690; there in the third Letter we read,

* That in the Years 1687, and 1688, when the Schism was in its Elevation, there were but some three or four Presbyterian Meeting Houses erected on the North Side of *Tay*, *i. e.* in the greater Half of the Kingdom; and these too very little frequented or encouraged. And that on the South Side of that River (except in the five associated Shires in the West) the third Man was never engaged in the Schism.

In short, we are assured, as well by these Authorities in Print, as by Gentlemen of Sense and Reputation out of that Country, that not a fifth or sixth part of the People of *Scotland* did join, at that time, with the Presbyterians.

And that was the Time to shew their Inclinations, when they might not only do it without Fear or Hazard, but with all the Prospects of Advantage and Preferment.

How much more constant and firm were they to the Church in that Kingdom than in this! We did not bear the Temptation with so little Loss as they.

Every Toleration and Indulgence which has been granted in *England* has made much more Havock, and brought more Ruin to the Church, than we find this (the most dangerous one) has done in *Scotland*. We have not yet recovered from the Mischief of that in 1672. Before which our Church seemed to have taken some Root, and the Dissenters were wearing much out of Fashion; many of the Chief of whom, seeing a fair likelihood of the Perpetuity of the Church, were content to suffer their Children to be educated in our Communion; though themselves were ashamed to comply, after the long Oppositions they had made: Which shewed they were convinced both of the Lawfulness and Expediency of Conformity.

But Fire amidst Gunpowder does not work its destructive Effect more suddenly, than that Toleration shook and rent, and almost overturned our Church. The very next *Sunday* after it was known, the Churches in many Places were almost quite deserted, and the Meeting Houses, which before were neglected, and resorted to by but a few, and those little regarded, were like Trenches, when the Sea has broke the Dykes, swoln and over-flow'd in a Moment.

And Toleration upon Toleration has brought Ruin upon Ruin since; that we are now loose at the very Roots, and at the Mercy of every Wind and Wave.

And by the Accounts we have given us of *Scotland*, they are both more universally and more zealously Episcopal (especially if you consider the Gentry and Nobility) than the People even in *England*.

Of which there is another very great Instance, since the *Scots* Treatises above quoted were wrote. And that is, That, notwithstanding the several Acts of Parliament there for abolishing Episcopacy, and settling the Presbyterian Government, and all the fiery Zeal of the Covenanters now in Possession, yet, through most Parts of the North, and many other Parts of *Scotland*, they, to this Day, refuse to admit the Presbyterian Ministers who were sent to them, or to part with their old Episcopal Clergy, though they neither swear nor pray according to the Acts; but keep them still in Possession of their Churches, and renounce the Authority of the General Assembly, as not being lawfully constituted without Bishops. And have lately published a Paper in the Name of the whole Ministers North of *Tay*; and twelve Ministers at *Aberdeen* gave it, in their own Names, and the Names of all the rest, to the Commissioners of the General Assembly, wherein they stand still by their deprived Bishops: And as the Representation of the (said) Committee of the Assembly for the North of *Scotland*, to the Privy Council of that Kingdom, printed now by Authority in *London* this *October* 1694, does express it, They not only plainly question their Authority, (*viz.* of the General Assembly) but the Authority of the Law whereby the Government of this Church is settled. Nay more, the deprived Bishops there do not only continue to confer Holy Orders, but to fill the Churches with those so Ordained; and the People keep them in. As it is complained of in the said Representation, which has been dispersed by the Presbyterian Faction through the Coffee-houses in *London*, as an Aggravation of the Obstinacy of the *Scots* Episcopalians against the Government, as they would have it understood; with some Queries added, to disengage us who have complied with this Government, from any Concern for the *Scots* Episcopalians.

But

But if the Presbyterian Interest is so low in *Scotland*, how came they of late Years to make so great a Noise here? Were they not the People who formed the Rebellions of *Penland Hills* and *Bothwell-bridge*?

Yes. And were so easily quelled, as shewed the Party to have neither Interest, nor Conduct, nor any other Qualification to render them considerable, besides that of a mad Zeal; like our Fifth Monarchy-men, which, grafted upon *præservidum Scotorum Ingenium*, & *ad audendum aptum*, produced horrid Assassinations and desperate Rebellions, without any Apprehension of Danger or Impossibilities: For *quicquid Scoti agunt, valde agunt*: The Scots do every thing to the utmost.

But how came that Party to gain such a Convention there, as to vote Episcopacy a Grievance, and contrary to the Inclinations of the People, as it is expressed in their Claim of Right? This looks like Management, or else was very good Luck.

There was both in it, as the Scots Episcopal Apologists do explain it to us; and shew the Arts of the Ministers of State who were employed in that Affair. That poor Rabble of Covenanters in *Scotland* were but the Tools who followed the Cue given them; they had other Help than their own.

But there were some Concurrents in that Juncture, which contributed more than all the Politics.

The Nation was in a violent Ferment; and every one almost, except those of the Cabal, were unwilling to dip themselves in the first Act of a new Constitution, not knowing where it might end. Besides, the Episcopalians were, and are still, generally affected towards King *James*; and took as much Pains to keep themselves out of that Convention, as the Presbyterians did to come into it. All which did not, it could not, prevent many more of the Episcopalians to be returned than of the Presbyterians; the Episcopalians being so very much the major Number, especially among the better Sort. But many of the Episcopalians would not sit; and many who sat once, quitted the House, and would appear no more; thinking it culpable to be there. And others were forced away to save their Lives from the Fury of the fanatical Rabble, who were armed, and made the Guard of the Convention, as that extraordinary Man Sir *George Mac Kenzie*, and others. Sir *George Lockhart*, a most eminent Lawyer, and who violently opposed the Vacancy of the Throne, was assassinated in the Streets of *Edinburgh*; some say it was only through a private Pique, but that did not appear to all. The Archbishop of *Glasgow*, and others of the Clergy, were openly insulted in the Streets, and no Remedy. And before the Convention was turned into a Parliament, the Bishops were, by particular Instruments sent to Duke *Hamilton*, then Commissioner, excluded from their Right of Sitting in Parliament.

Yet notwithstanding of all this purging, they could not get that Parliament so model'd, that, if but Half of them had sat, they would ever have abolished Episcopacy, or set up Presbytery: And the Scots Episcopal Party do vouch, That there were not one third Part of the Members present, when Presbytery was there established.

I am not now meddling with their Reasons, why they would not venture to sit and vote at all Hazards. This is only to shew, that no Parliament can be had in *Scotland*, which if freely sitting, would abolish Episcopacy : And that the Inclinations of the People cannot be justly collected from what was done by that. Less than a third Part of a Parliament ; and that gathered together by strange Artifices, as the *Scotch* Accounts do inform us, as plain as they dare speak, in the Management of their Election, and of the Prince of *Orange's* circular Letter, by which that Convention was called, being sent where Preparations were made for its Reception, by some Places later, and to some not at all, who yet had Right of electing Members for Parliament.

Yet all this could produce no such Appearance in the Convention as would answer their Designs, but they were forced to take into that Convention Men out-lawed for Treason, and under other legal Incapacities to sit in Parliament, by the Laws and Tests then in Force ; as my Lord *Argyle* himself, who, before his Attainder was taken off by the Parliament, sat in that Convention, and was sent up hither with the Tender of the Crown of *Scotland*.

And when they had done all, tried all their Ways and Means, legal and illegal, what a contemptible Appearance was it which they were able to procure, at the first opening of the Convention or Meeting of the Estates, (as they stiled it) which was the 14th of *March*, 1688.

Of this we have a certain Record, which is, *The Acts and Orders of the Meeting of the Estates of the Kingdom of Scotland*, extracted out of their Register, and printed by Authority in *Edinburgh*, 1690.

There in the Act, Declaring the Meeting of the Estates to be a free and lawful Meeting, the 16th of *March*, 1688, all there present do subscribe the said Act, and all their Names are printed in the said Act. And there were but fifty Burgeesses in that Convention.

Neither must we reckon upon all that small Number itself, as appears by their fourth Act, which is intitled, *An Act for putting the Kingdom in a Posture of Defence*, the 19th of *March*, 1688, wherein we are told that several of the Members who had subscribed the former Act, had (in that three Days time) *Deserted the Meeting of the Estates, and presumed openly to correspond with the Duke of Gordon, since the Proclamation of Intercommuning against him, and to retire from this Place (Edinburgh) in Form of Weirt ;* and therefore commands all from sixteen to sixty to arm, &c.

The Matter was, many of those Few who came to the Convention did not know the Designs of the Managers ; which, as soon as they perceived, and that there was a formed Party to carry it on, they immediately quit the Convention, in *Form of War* (as that Act says) and openly declared for King *James*. Among these was my Lord *Dundee*, who sat the first Day of the Convention, and his Name is among those who subscribed the first Act above-mentioned.

There were likewise seven Bishops, whose Names are printed the first of the Subscribers.

But their Archbishop (of *St. Andrew's*) as ours, would not come into the Convention at all ; and it seems all the rest, but the abovesaid Seven, were of his Mind. And that even these Seven were of those who (as Lord *Dundee*, &c.) immediately quitted the Convention. I say, immediately ; for they subscribed

scribed on the 16th of *March*, and the Hue and Cry after them was in the abovesaid Act of the 19th of the same Month.

So that if we are to make any Computation of the Inclinations of the People from this Convention, it will operate rather against the present Establishment there, from the small Appearance of the Burgeses, and their great and sudden Desertion.

But if the Inclinations of the People is best known by the Sense of Parliaments, then it must follow, that all along since the Reformation the Inclinations of the People of *Scotland* have been for Episcopacy; which has been ratified and confirmed by twenty-seven Parliaments in that Kingdom (as they are reckoned up in these *Scots* Episcopal Papers) and where no such Objections, as in the present Case, can be alledged. Add to this, what I think a plain Confession, that the Presbyterians dare not trust a free Parliament in *Scotland*; and that is, that notwithstanding the great Objection of a Convention (not called together in the legal Form) becoming a Parliament by a Vote of their own, who were not a Parliament before that Vote, or any otherwise than by that Vote, by Virtue only of the Words themselves pronounced, when they said, *Hoc est Parliamentum*, (which some have compared to Transubstantiation;) I say, notwithstanding that the Convention Parliament in *England* found it necessary, for this Reason, to have the Convention Parliament dissolved, and a new Parliament chosen by the King's Writ, in the usual Form: Because, as was truly alledged, the Convention was but in the Nature of a Volunteer, no Man being obliged to obey the circular Letters of a Foreign Prince before he was declared our King. Nor did his circular Letters import any other than a voluntary Compliance which he expected should be paid to them. And therefore the Subjects would not think their Liberties preserved, unless they had the antient Freedom of Election reserved to them, to chuse Members to serve in Parliament, knowing before-hand that it was to be a Parliament: For a Convention was new, both Name and Thing; and few understood either the Nature of it, or the Ends and Purposes for which it was summoned; and to metamorphose that into a Parliament, and then to continue it as such, would be understood as a plain Cheat to trick the People out of their Votes. Yet all these obvious Reasons, and the Example of *England* notwithstanding, the Presbyterian Managers in *Scotland* dare not summon a new Parliament, but keep on still the old Convention with the new Name of a Parliament: And though they know that many of the Episcopal Persuasion there, are so zealous, upon the Point of the Government, that they would not come in, though there were a new Parliament, yet the Presbyterians dare not trust those that might come in, against all their own Strength, and all the Trimmers they could bribe or frighten to their Side. For they could never, by their Arts, compass such a Parliament as would not spue out Presbytery, as a Yoke which neither they nor their Fathers were able to bear. They know it to be utterly impossible for them ever again to get such a Company of Conventioners, as by their secret Intelligence laid (without Opposition or Suspicion of the Episcopal Party) leaped together, and chose one another, upon the Prince of *Orange's* circular Letters, which were left wholly to their Management.

If

If all this be causelessly alledged, let them convince us with the free and impartial Election of another Parliament.

Or give any other Reason why they will not, than that they dare not trust the Inclinations of the People; which they know to be the most averse to them, and most deservedly.

There is another Thing which extremely shews the Weakness of the Presbyterian Interest there: And that is, That they would never have been able to have planted Presbyterian Ministers there, if the Right of Patronages had continued; for there were but very few Gentlemen in that Kingdom, to whom Advowsons did belong, who would ever have presented any Clerk that was Presbyterianly inclined. Therefore all Patronages were taken away by Act of this Parliament.

After which one would have expected that the free Election of the People should have been set up in its full Extent and Prerogative; because this was it for which the Presbyterians chiefly contended: they made it to be *Jure Divino*, and call'd it Christ's Legacy to the People, and said it was Indefeasible and Unalienable from them.

But yet they were forced to dispense with it at the first, and put the Calling of Ministers into the Hands of the Presbytery: For they found the Inclinations of the People run against them, at least of much the major Number, as well as of the Nobility and Gentry; and therefore this Method was necessary (though Antichristian, by their own Principles) for the first Planting of the Gospel (as they stile the preaching of the Covenant) in that prelatical Country.

Neither durst they, for the Time to come, trust the People with their Divine Right of electing their Ministers, without clogging this Legacy of Christ, as they call'd it, with such Limitations as they could not pretend are to be found in Scripture. That none should vote in the Election of Ministers till they first swore the Oath of Allegiance to King *William* and Queen *Mary*, and sign the Assurance, for which an Act of Parliament is passed accordingly.

Yet, with all these Bars and Defences, they found very great Difficulties in planting those Churches, which they have planted with Presbyterian Ministers.

Who were so few in that Country, that they were forced to ordain young Lads from Shops, or the Plough, as they could get them gifted, without any University Learning: For these Springs, as themselves confess, were all corrupted; that is, in their Sense, were wholly Episcopal.

And in the North of Scotland, as confessed in the Presbyterian Representation above-told, they have got little or no Footing to this Day. In which Parts they are so strongly Episcopal, that, as I read in a very accurate and ingenious Account of the Proceedings there about the Convention Time: *It were no hard Task, says he, to give a just Account how it only happened that there was so much as one Northern Member, who was not such by Birth, of the Presbyterian Persuasion in the Meeting of the Estates.*

But there can be no such Demonstration, as their preserving their Episcopal Clergy, and keeping out the Presbyterian, against repeated Acts of Parliament; and that the Privy-Council, which has there almost the Power of a Parliament, in the Intervals of Parliament, have interposed their Authority to ratify the Decrees of the Presbytery.

Nay,

Nay, even in their own dear West-Country, the Presbyterians found so much Difficulty, in some Places, particularly near *Edinburgh*, to perfect their Reformation, that they were forced to fill a Church there with Soldiers to fright the People from singing the Doxology, from which they could not otherwise be reduced. Was not this something like Dragooning? But I go on.

It may be thought strange, Things being as here told, what Ground or Pretence could be found for representing Episcopacy to be contrary to the Inclinations of these People.

And herein appears a subtle, but a very wicked Politic of the Managers then at Helm.

They first had Arms put into the Hands of the mad *Cameronian* true Presbyterian Rabble of the West, and then set them on to mob the Episcopal Clergy, in those fanatical Shires, which they executed in a most savage Manner; and from thence they represented the Inclinations of the People to be irreconcilable to Episcopacy; but upon Enquiry, I cannot find that there is any now, who insist longer upon that common Place of the Inclinations of the People of *Scotland*: It, like some other Stories, has served its Turn, except one Sycophant, who had Presbyterian Education, and from his Infancy was taught to hate and despise Episcopacy, who has deserted his Church in *East Lothian*, and was expelled neither by Force, nor by the Rabble, nor any Sentence of any Presbyterian Judicature; but fearing that the Gentry of his Parish, to whom he was always most disagreeable, would lay hold of the present Opportunity to turn him out, when their Inclinations was made the Standard, he thought it convenient to leave the Place with less Disgrace.

And he is now encouraged by a certain Minister of State, to propagate that Notion here in *England*, that the Temper of the People in *Scotland* is against Episcopacy, and most inclined to Presbytery. And the Rabbling of the Episcopal Clergy in some Parts of the West, is all the Argument.

This is all, and every Bit of the Ground the Convention, he or any other had, to represent the Inclinations of the People as averse to Prelacy.

Nor had they had this Pretence itself, if all the People even in these same fanatical Shires, had been left to their own Inclinations: For when the College of Justice in *Edinburgh*, and others (in whom remained what was left of any Right to govern after King *James* quitted *England*, and before any other Establishment was framed) took Arms against this murdering Rabble, in the Defence of the Episcopal Clergy, and themselves (for such an Inundation threatened all) a Proclamation came out from the Prince of *Orange* commanding all to lay down their Arms. This was obeyed by the College of Justice, and the rest of the Episcopal Party; (as thinking it tending towards Peace and Settlement:) But not at all by the others, saying, They knew it was not intended against them, and accordingly made Use of it, their Enemies being thus disarmed, to commit more insolent Barbarities against the Clergy than before.

And in Reward for their Zeal, were not only continued in Arms, but made the Guard of the Convention, which soon after met, under their Gracious Protection, and acted by their Influence. Theirs! who thought it Merit, and the Cause of God, to assassinate the Archbishop of *St. Andrews* on the High-way; and declared it their Principle to murder, by whatever means, every Bishop;

and every King and Man who took their part. Theirs! who for declaring and acting pursuant to such diabolical Principles (though all the genuine Effects of their common Mother the Covenant) were, out of meer Shame, disown'd by other their Pharisee Brethren of the Presbyterians, for throwing off the Sheeps Cloathing, and acting the Wolf so plainly and above Board; for abdicating not only the Simplicity of the Dove, but the Prudence of the Serpent, of whom they retained nothing but the Sting. And who could have any other Thought than that Episcopacy was reserved only for Execution, when it was placed under such *Cameronian* Guards?

And when the most violent and bigotted Fanaticks were made the Principal Ministers of State?

But who was it chose those Ministers? That must be the King's Inclination. He chose them according to his own Inclinations; and then took their Word, for the Inclinations of the People.

And can we think his Inclinations are different in *England*, otherwise than as Reason of State moves him?

The Experiment must begin in *Scotland*: And according to the Success there, the Measures are to be taken here.

And do we not see the same Measures taken here, though perhaps in somewhat a slower March?

Has not a certain great Man, of an Interest very contrary to that of the Church, one whose Treachery towards it has made him an irreconcilable and inveterate Enemy to it, been brought from behind the Curtain, where he acted so much Mischief unseen, and now in a manner publicly set upon the Stage? Has he not acted indeed as one desperate, and that knows himself unsafe under any thing but a Fanatick Party established in both Kingdoms? as one that can hope for no Forgiveness from another Interest which he has so perfidiously treated, and where all those that are leading and respected Men know him so well, have felt him, and are sure neither to be imposed upon by him more, nor ever to forget what he has done to the Church, and against them as the Patrons of it? Have we not seen how things have turned since this? Was not the whole Ministry changed to bring in that Gang? How had such a Fellow as *Jack Trenchard*, or *Somers*, been hoisted upon a sudden where they now are, but meerly on this Account, that they only were thought deep enough in a Fanatick Interest to carry on this Design, and to support this new Foundation of some great Man, who must make good what they are engaged in, and secure themselves by thorough Work, or soon fall, and come to that End which they deserve?

My Lord *Nottingham*, a Man whom they offer to reproach with nothing but his Fidelity to our Church, and his constant Care of its Interest; one of such allowed Capacity, Vigilancy, and indefatigable Diligence in his Office, and of such known Fidelity to the Crown and this Government; such a Man as this we see of a sudden removed, and without any Reason given (but what is thus plainly left for any one to infer) thrust out of his Employment, disgraced, and driven at as one ready to be impeached; which Design it was no great Wonder to see carried on under such as could not prevent their being themselves impeached, were the Government as it ought to be, or the Church restored to that Place which it ought to have, and which one may very justly say it must have, unless Monarchy be design'd for Ruin. The

The Justification which the Parliament last Year gave to the Admirals, after the most malicious and false Aspersions imaginable, did not hinder their being thrown out with all the Disgrace that could be put upon them. At least those Two that were the Chief, and chiefly noted for their Firmness to the Church, were so served. What are the rest of the Changes in the Admiralty, and every where else? What are the *Russels*, and the *Whartons*, that are now in such Credit, and have their Friends every where advanced? Who knows not the Cabal at Court, and that Lord *Sh*— who first went out of Court upon this bottom, and is now returned again upon the same, is of this Confederacy; and both too early, and too deeply, engaged with this Party to be a Head or a leading Man any where else?

Our Friends are shifted out apace. And now openly, and above Board, there have been new Regulations of all the Commissions of the Peace and Militia through *England*; of the Lieutenancy of *London*, the Customs, &c. on purpose to fill all with the fanatical and whiggish Tribe; who have out-grown us, and are too many for us, in all Places of Trust and Profit*.

Little needy Fellows are put into Employments of greatest Honour and Import, so they be but fanatic enough.

As *Johnston*, Secretary for *Scotland*, who the other Day merely for Bread travelled with Sir *Robert Barnard*, his Condition being then very necessitous, tho' he is now one of the chief Managers in both Kingdoms. His only Merit is the new-fashion'd Theism, grafted upon rigid Fanaticism; the last of which he derived from his Father, that Arch-Rebel *Wariston*, who was Clerk in ordinary to the Presbyterian General-Assembly in his Time, and as furious against the Mitre as the Crown.

P 2

Such

* Either professed and open Dissenters, or the more dangerous Church Fanatics; who keep in our Communion no otherwise than as Spies; who ridicule us, and do us all the ill Offices that are in their Power; and but watch an Opportunity to destroy us, and our Constitution. Of such Principles (most iniquitous to the Church) are the present Attorney and Solicitor General, and almost all the King's Council, as *Wi. Williams*, Serjeant *Tompson*, Mr. *Hawles*, &c. Baron *Leitchmore*, Baron *Turton*, that little Baron Tell-clock Mr. *Bradbury*, and others upon the Bench. And with *Russel* are joined in the Commission of the Admiralty that virulent Whig Col. *Austen*, and *Rich*, and *Houblon*, two rigid Fanatics. Such are *Montague* and *Smith*, two of the Lords Commissioners of the Treasury, indefatigable Sticklers for the Whig Party. *Papillion* and *Mayne*, in the Victualling-Office; and *Hill* of the Navy Office. Sir *J. Foach*, Sir *Steph. Evans*, *Ed. Clark*, *Tho. Hall*,

J. Danvers, (the only Son of a Regicide) and *Foot Onslow*, in the Excise. *Parkhurst*, *Murray*, *Vernon*, and *Paschal*, in the Prize-Office. Col. *Kirby*, *Shepherd*, and *Welwood*, in that for the Sick and Wounded. *Ashurst*, in that of the Hackney Coaches; and *Franklin* in the Post-Office. And in the Custom-house, Sir *Walter Young*, Mr. *Chedwick*, Sir *Patience Ward*, Sir *Robert Clayton*. And a long *Et cætera* in other Offices and Places of Trust through the Kingdom, too long to be here inserted. The Whig, and (I know not which to say) natural or unnatural Libertine, the Lord *Sidney*, now Earl of *Rumney*, is made Master of the Ordnance, and Governor of the *Cinque Ports*, and *Dover Castle*, &c. And Whig Sir *Thomas Littleton* is under him in the Ordnance. Lord *Cutts*, an Atheistical Whig, is made Governor of the Isle of *Wight*. These, and many more, are the Men now employed.

Such another is that infamous *James Stuart*, an inveterate Rebel, and pardoned by King *James*, now knighted, forsooth! and fills the Place of Lord Advocate, which answers to that of Attorney-General here; but of greater Honour and Interest in the State.

Castairs, a Super-presbyterian, that is, a *Cameronian* Preacher, attends King *William's* Person, both at Home and Abroad, like a Jewel in his Ear: We make a Show in the Chapel, but he exercises the Office of Confessor in the Closet.

His Advice is taken in all the spiritual Promotions of our Church; and we feel the Effects of it very sensibly.

We see among the new-made Bishops those who were formerly fanatical Preachers; and those who, of all our Number, are least zealous for the Church, and most Latitudinarian, for a Comprehension of Dissenters, and a Dispensation with our Liturgy and Discipline. The Archbishop himself has put on a strange Moderation that way.

The Tide runs strong both in Church and State towards a fanatical Level. And the Pattern of the *Scottish* Reformation stares us in the Face more glaringly than in 1642.

And let us remember, That the Covenant (now rampant in *Scotland*) obliges them to carry on the Work of that Reformation in *England*, as well as in *Scotland*, as they did before: And they have the Impudence to pray publicly for it now in their Churches, for our Conversion (as they call it) from Prelacy, which they call Popery; and Idolatry, that is, our Liturgy.

And yet their Agents there would make us believe, That they intend no Alteration of our Constitution in *England*.

But are we to be so deceived now? Have we never been deceived by them, in the same Manner, before? How often did they protest to Marquis *Hamilton*, Commissioner for King *Charles* the First, that they did not intend to abolish Episcopacy? [*Large Declaration*, 114, 115. 69. and 173.]

And they used to persuade the Scrupulous, that they might take the Covenant without Prejudice to Episcopacy.

In their Answer to the Fourth Reply of the Doctors of *Aberdeen*, they say, *You will have all the Covenanters against their Intention, and whether they will or not, to disallow and condemn the Articles of Perth, and Episcopal Government.— But it is known to many Hundreds, that the Words were purposely conceived for Satisfaction of such as were of your Judgment, that we might all join in one Heart and Covenant.*

They had lower and higher Senses of this Oath. Any thing to get you once within their Circle; and though they press the Obligation of it upon all alike, like the Artifice of some of the *Romish* Emissaries, who, to a Person tenacious of the Reformed Doctrines, represent the Church of *Rome* as little or nothing differing from us in Fundamentals, as they call them; and will let him keep all the Opinions they can't persuade him from, only to be reconciled to the Church, to avoid Schism: But when he is once in, then there is no Stop, they can drive him to the utmost. They bring in many Hundreds of their private Doctors for the lower Sense of their general Councils; as their Spawn of the Covenant do leave their many Hundreds of private Persons, who they at first pretended knew
their

their Minds in wording of the Covenant, to be much lower than the Letter of the Oath seemed to import.

But yet they would never afterwards allow any such private Interpretations, as the true and natural Sense of the Oath. But boldly charged them of Perjury, who in the least Tittle departed from them.

And how many Oaths and Proteftations had we from our *English* Parliament in 1642, That they never intended the Abolition either of Episcopacy, or the Liturgy? But, on the contrary, they expressed a great Zeal for both; till they had got a Set of fanatical Ministers in the State, and they then soon introduced Ministers of the same Kidney in the Church.

And did not they then fet up the Inclinations of the People on their Side? And did not they carry it?

And yet they had not Half the Pretence as now. For, before that Rebellion, *England* had been long in the quiet Possession of Episcopacy, without almost any Grumbling against it; and that but of so small and inconsiderable a Party, as did not seem worth Notice. These Monsters were bred, and grew up, in the Storm: But since the Overflowing of that schismatical Rebellion, our Land has been fertile of as many heterogeneous Productions, as the Mud of *Nilus* leaves upon *Egypt*. There are almost as many various Sects and Armies of Dissenters now, as there were single Mutineers at that Time.

And oh! the Difference! *England* had a King then who was bred from his Childhood in the Episcopal Communion, and zealous for it, even to Martyrdom.

But the present King had the Misfortune (to himself, and to us) to be educated under the *Geneva* Model, made *Erastian* in *Holland*: And it cannot be imagined, That the Alteration of his present Circumstances have wrought as great a Change in his Principles: That would be, if not a Miracle, to suppose him to be wholly Latitudinarian, and indifferent to all Religions; at least as to Church Government, which is the Point we are concerned for.

But, alas! the Measures he has taken in *Scotland*, and here too (as fast as they can go) have sadly undeceived us; and given Demonstration, That he is as zealous for his Religion as any other King at least.

In short, it is evident, that King *James* never took more Pains to place such Ministers in the State, and Bishops in the Church, as were, if not popishly affected, yet least inclined against it, than King *William* has done, by the same Method, in Favour of Presbytery.

And there is yet a farther Reason for him to put himself intirely into their Hands as soon as he possibly can; and that is, that he can never trust to us. He sees (we cannot keep it concealed) that much the major Number of the swearing Clergy in *England*, and those who are upon the Foundations of the Universities, are Jacobites in their Hearts; and many of them have not the Continence to keep it to themselves, but blab it where-ever they go: Inso-much that the Nation has it by the End, that we are all *Jacobites*; at least, we are all, except a very few, suspected, and that is equal to guilty, in the Argument I am now upon.

Well,

Well, but whatever are the King's Inclinations or Designs as to the Church, we trust to the Inclinations of the People, that they are all for us; and that therefore his Interest will persuade him to comply with them.

First, We have many and abundant Instances, since the Beginning of this Revolution, how far he can prevail with the People, at least with their Representatives in the House of Commons, to comply with his Interest or Inclinations.

Secondly, We have found the Inclinations of the People turn against us, in the late Rebellion against King *Charles I.* when they were much more unitedly for us than they are at present.

Thirdly, the Inclinations of the People may be pretended, when it is not true, as we have seen in *Scotland*: And a Set of fanatical Ministers of State may set up such a Pretence when they please. Pretences are the easiest found Things in the World; as we say, It is no hard matter to find a Stick to beat a Dog.

But towards making the most true and impartial Computation that can be, as to the Inclinations of the People in *England* at this Day, in reference to Episcopacy, and the present Established Church; let us first take a View of the Nation in the General, and particularly of *London*, (and that not only as to the Differences betwixt us and the Dissenters, but with regard likewise to their Inclinations as divided betwixt us and our deprived Fathers and Brethren) then of the two Houses of Lords and Commons. And these are the surest Steps I know, whereby to compute the Inclinations of the People of *England*.

Now to take a general View of *England*; we sadly find, that the Reverence to Religion in the general is mightily abated, and, amongst very many, quite lost. And therefore a Dispute only about Church Government will be thought of very little Consequence with these.

There is a Spirit of Atheism gone out into this Land, especially amongst the Gentry of the first Magnitude; and Books are daily published, and greedily bought up, to render what they call Priestcraft, the Object of all People's Hate and Contempt.

And will those who have no Regard for Religion, have any Reverence for Churchmen? Those, who think them and their Profession useless, and a Cheat? And consequently an unnecessary Burden and Charge to the People, and therefore necessary to be removed. That they are kept up only by the Folly and Superstition of a few Bigots, who dare not think out of the Road of their Forefathers, whom these Virtuoso's have taken all imaginable Pains to undeceive, and convert them to the generous Latitude and Largeness of Thought, as they call it. That if they cannot get rid of all Religions, to be indifferent towards all; and to look no farther than the legal Establishment; or to consider of Religion no otherwise than as it is part of our Property, made so by the Laws, and which therefore may be altered by the Laws; at least, as to Church-Government,

And how can we deny this, who have allowed of Lay-Deprivations?

Nay, Brother, I must tell you, That this Latitudinarian Principle has strangely prevailed even among our Clergy; chiefly of the first Form, in whose Hands all our Concernments lie, and the public Affairs of the Church.

And

And now as to the third Estate of Men in the Kingdom, the Commonalty ; what can we expect from them, but to be led by their Clergy, their Nobility and Gentry ? And do we not find it so ? Some think our Party great from the Appearance in our Churches here in *London*. But the Churches in *London* will not hold the tenth Part of the People in *London* : And therefore a small Proportion of the People will make a great Shew in our Churches. Besides, the Generality of the People do give themselves a Latitude to go to Church or Meetings indifferently ; and since both are now equally tolerated by the Law, they do not think it a Fault, at least they cannot be censured, nor they think so much as justly blamed for it. I know several, even of the first Rank of the Gentry, who not only go to hear Sermons, but receive the Communion, both at Church, and at the Meetings. This is a strange Prostitution of our Discipline ! But we must not now pretend to Power, if we can live, we must let live. Those Days of the Authority of the Church are over : We now seem to be in the Height of the *Laodicean* State.

Again. Many of the Commonwealth Party (who cannot love our Constitution) come to Church, some to preserve their Places, and in reverence to the sacramental Test ; others, for meer Fashion-sake ; and not a few, on Purpose to watch, and report, and find Objections, or to make them.

By these Means our Churches are filled. But when we have subtracted all, but who came hither out of a pure Principle of Religion : And again, when we have subdivided from these, those who think not that Religion consists in Episcopacy, or any Form of Church Government, but look only to the devotional Part, which they may think might be preserved under any other Form of Government in the Church, as well as that of Episcopacy ; though they may (perchance) like that best, as being most used to it. (All who were strictly principled in the divine Right of Episcopacy, and consequently its Independence upon the State, are gone from us into the separate Communion of the deprived Bishops : And many, though they keep in our Communion, are with them in their Hearts.)

I say, when we have subtracted from those who make their Appearance at our Churches upon solemn Occasions, all, except those who would be content to struggle for Episcopacy, and for us now in Possession, in opposition to the depriv'd Bishops, to struggle for us, as the episcopal Laity have done in *Scotland* against the Laws in Being, and the reigning Ministers, to the Hazard of their Persons and Estates ; when all but such as these are subtracted from our Congregations, I am afraid we shall have but little Reason to boast of our Numbers.

And though Men's coming to Church is no sure Sign of their being true Church-men ; yet their forsaking, or neglecting the Church, is a certain Demonstration that they are otherwise.

Add to this, a very fatal Dilemma in which the Dissenters have caught us, and have improved it amongst the People, to our no small Prejudice ; For if we stick to passive Obedience in the high Sense, as it is contained in the Homily against Rebellion, we must condemn what we have done, and what we still continue to do. But if we call that an Error, then we own that our Church has been all along, before this Revolution, a false Guide ; and that the Dissenters have

have taught the Truth, in this Point of Doctrine: And then the People themselves make the Application, that it is safer trusting to them than to us in other Doctrines. For, say they, the Dissenters never went over to you, in any of their Doctrines; but you have gone over to them in this, which you formerly pressed as positively and zealously as any other Doctrine of the Gospel; nay, more than most others, and as indispensibly necessary to Salvation.

And will a People thus prejudiced against us, be zealous for us? Zealous against the Dissenters to whom we have at last submitted, in our so long boasted characteristical Discrimination of passive Obedience? How shall we retract all the hard Words we have given them for opposing that Doctrine which we now profess! For using those same Distinctions which we now set up! And what Argument can we find to persuade the People that we may not deceive them in other Doctrines, as well as in this? Why they should adhere to us against the Dissenters, who have kept their Ground, and not contradicted their own Doctrines?

Indeed our Case here is very difficult. It is needless now to blame the Preaching of passive Obedience so high in the former Reigns: The Fault is committed, we cannot deny it; and we must suffer under the Shame of it. And we have lost exceedingly in the Hearts and Inclinations of the People now towards us, upon that Account. They look upon us inconstant, and time-serving. And that Character to a Clergy-man must forfeit all Men's Value and Esteem for him: And consequently for all that Clergy, or Church, of whom they have conceived such an Opinion.

And tho' you and I can vindicate ourselves as to the preaching of passive Obedience in former Times; what is this to all that Generality of the Clergy who were never weary, nor would give over upon that Subject? Who found it in every Text they could meet with? And pressed it oftener, and more pathetically, than any Article of the Creed?

And though we did not preach for it, yet we did not preach against it. We let it go: Which the People think we should not have done, if we thought it to be an Error; and so fatal a one as it must be, if it can be an Error. They call this time-serving in us then, as much as in the others now: And then our Subscriptions to the Homilies, and reading the Declaration of its not being lawful, upon any Pretence, to take Arms, &c. are thrown in our Dish.

And it is needless here to insist upon our Defences; for the Enquiry we are now making, is not the Truth or Untruth of the Case, but only as to the Inclinations of the People; that is, how they take it, not how it is in itself.

Thus far we have observed concerning the People in General, and in *London*: But let us now come nearer, and observe their Countenance in the great Representative of the People, the Parliament.

And here, like drawing near to an ill daub'd Landskape, the Strokes appear more gross and disproportioned.

What a contemptible Figure do our Bishops now make in the House of Lords! It was never so known before. No! Never! They are obliged either to quit their Seats in that House, or to bear the Railery of the Lay-Lords every Day, who think them a dead Weight amongst the Peers; of whom the greatest

Part

Part would be glad to be rid of them, not only out of their House, but out of the Nation.

And it may here be noted, that Episcopacy was in greater Perfection, and more primitive Independency, in *Scotland*, than with us here in *England*; and likewise as much fortified by the civil Law, and set higher in the State, than (since the Reformation) in *England*.

The Clergy there, are a distinct Estate by themselves, and preferred, in all things, to the temporal Nobility: For not only the two Archbishops, (as in *England*) but every one of the Bishops, do sign before all the whole temporal Lords; as may be seen in the Act above-mentioned, 16th of *March*, 1688, where all the Convention subscribed their Names; and the seven Bishops who were there, did subscribe before Duke *Hamilton* (though then President of the Convention) and all the Lay-Lords. And their Subscriptions are thus indorsed in the said Act: The Clergy and Nobility subscribed thus. When the Rolls in Parliament are called over, the Bishops are all first called.

The Bishops chuse Lords of the Articles out of the temporal Estate of the Lay Lords.

In all things, the Bishops there are distinguished more plainly as a separate Estate, and the first of the three Estates, than with us.

But they have a yet much greater Advantage above our Bishops in the ecclesiastical Authority.

They have no Prohibitions from the secular Courts to hang up their Excommunications, or intermeddle in their spiritual Censures.

The Bishops there are absolute Judges of the Fitness of Clerks, presented to them for Livings, nor give any Account hereof to the secular Courts.

Nay more; they can transplant any Priest in their Diocese from one Parish to another, as they shall judge their Labours to be more profitable in one Place than another, and there lies no Remedy for the Priest so transplanted from the secular Courts; of which I have been told Instances.

The civil Law has made no such Inroads upon the episcopal Authority in *Scotland* as in *England*; and therefore our Bishops can plead no Exemption (more than they) from being cast out of the Church, whenever a House of Commons shall please to have it so.

There is, as *St. Cyprian* says, but one Episcopate in the whole World, of which every Bishop partakes severally, yet in common. *Episcopatus unus est, cujus a singulis, in solidum, pars tenetur, Cyp. de unit. Eccles.*

Therefore the Case of *Scotland*, at present, is not only *proximus Utalegon* to us; but 'tis our own very Case, upon the common Bottom of Christianity.

For if we give up the *Jus Divinum* of Episcopacy in *Scotland*, we must yield it also as to *England*. And then we are wholly precarious.

And if in the Church, much less let us think that Bishops are so essential to Parliaments, but that (as in *England*, in 1642, and now in *Scotland*) they may be dispensed with.

And the House of Commons, as well as of the Lords, have, upon several Occasions, minded them of their Frailty: And that what has been done, may be done, as well in this as in other Things. But more than all this, both Houses of Commons and Lords have shewn their Love to us, and high Re-

gard of our Constitution, in that they have divested us of all our Authority over the People, by their unlimited Act of Indulgence to all Sorts and Sizes of Dissenters; and commanding that the ecclesiastical Courts shall have no Power to proceed against any of them; and also in giving Power to the Justices of Peace, at their Sessions, to Licence Teachers and Preachers, as it is in the Act of Toleration, 24 May, 1689, *prim. Guliel. & Mar.* This has rendered our Church a perfect Cypher: And if any, or all, of our Flocks should desert us to-morrow, and go over openly to the Dissenters, we have no Power left us, by this Act, to restrain any of them by ecclesiastical Censures, or any other Way; and the whole Nation have Liberty to believe any of their Communions to be as safe a Way to Heaven as our own. And they have made full use of that Liberty; For how many do we meet with who do not believe it? And think it a thing indifferent which of our Churches they go to, as they term the Dissenters and ours. They think them all to be Churches; and the Law giving equal Liberty to all, who dare quarrel with any for taking that Liberty to go to any or all of these Churches?

Who can say the Parliament has done ill? For if Episcopacy be not *Jure Divino*, why are they bound to set it up more than Presbytery, Independency, Quakerism, or any other Sort? Why have we made such Contests about it, these Ages past?

But if it be *Jure Divino*, then it is out of the Parliament's Power to abolish it; or even to dispense with, or tolerate, any other Form of Government in the Church.

So that we must either condemn what they have done in *Scotland*, and in *England* too, by this Toleration; or otherwise we must give up our *Jure Divino* Right, which we have endeavoured to hold out so long against the Dissenters; and profess to hold hereafter by no other Tenure than that of an Act of Parliament, which now grants equal Liberty to the Dissenters as to ourselves.

But this Law does not only proclaim Liberty and Indemnity, but proposes Rewards and Advantages to all who shall leave us. Any, of any Sort, in Orders or out of Orders, who please to set up for Teachers, are, by this Act, exempted from serving upon Juries, or from being Church-wardens, Overseers of the Poor, or any other parochial or ward Office, or other Office in any Hundred of any Shire, City, Town, Parish, Division, or Wapentake. And these being Offices of Charge and Trouble, we shall be in a little time left to serve them our selves; or the whole Burthen must lie upon those few; whom their Neighbours will call Fools for not easing themselves of it, as they have done. The Effect of this may not appear considerably at first: But when the Taxes have reduced more to Poverty; their Envy and Spite to see their richer Neighbours excused, may operate more than we are yet well aware. If you think that no such inconsiderable People will be allowed of for Preachers: The Act excepts none. And the Allowance is granted to the Justices of Peace, and there is no stint of Number. I can tell you an Instance came in my Way at the Easter Sessions 1692, in *St. Albans*; there came three poor Fellows for Licences to be Preachers, two of them set their Marks instead of their Names, for they could neither read nor write, and they had their Licences: And one of them being after returned upon a Jury, pleaded his Privilege as a Preacher by the Act, and had

had it allowed him. Nor indeed can the Justices refuse either to give them Licences, or allow them the Privileges granted by the Act. One of these Preacher's Names, I remember, was one *Bocket*; he lives in *St. Stephens Parish* near *St. Albans*, and is a Ditcher and Day-labourer.

There are many such Examples through the Kingdom.

We may now see where our Authority is going, not to mention Christianity, at this Rate. That *Bocket* is now as legal a Teacher as the Archbishop of *Canterbury*. This, Brother, is a fair Indication of the Inclinations of the Parliament towards us, of their Zeal to support the Authority and the Reputation of our Church.

Well: But they have left us in Possession of the Rents and Revenues of the Church.

That is indeed all that we have left! And how long shall we keep that, when the only Ground and Foundation of it is gone? That is, the Authority and Discipline of the Church, and the supposed Necessity there is of our Church. This is all the Ground and Reason there is for supporting and maintaining our Church more than any other Church; or for having any Church more than no Church. If none of them be necessary, or ours no more than another, why should we expect to enjoy such great Riches more than others? The Nation is not, or soon may come not to be, in a Condition to allow such great Pensions, when they are meerly Honorary, and of no Necessity to the Nation.

The Bishops Lands (as now in *Scotland*) may be sold, either for the carrying on the War, or to reward many of those necessitous and Sacrament-taking Fanatics for Places of Advantage. There is no other visible Fund for them; and they expect it; and refrain not sometimes to express it. Our Titles being *Jure Divino* will not do: The Impropriations have spoiled that. The Church, though over-run with Errors, was in far greater Authority and Reverence than now, when *Henry the Eighth* seized her Revenue, and had more and greater Friends to stand by her: The Pope, and all the then *Christian* Princes, did detest his Act as sacrilegious, and were highly concerned to have it rectified. And it was thought abominable by all *England*, except those amongst whom he divided the Spoil. But is there one Man in the World would be concerned for us, or pity us, if we lost all! Yet the Inclinations of the People i all we pretend to trust to. How have I heard some repeat with Pleasure, that Prophecy which they ascribe to old *Merlin*?

*Henry the Eighth pull'd down Abbeyes and Cells;
But Henry the Ninth will pull down Churches and Bells.*

By Churches and Bells they understand the episcopal Church and Ceremonies; and there has been enough done in *Scotland* to fulfil the Prophecy, but that it was spoke of *England*. And they think, that *Henry the Ninth*, and the Time is now come. I lay not Stress upon these Sort of Prophecies, but they shew the Inclinations of the People, when they are pleased, and no-body is displeased with trumping up such Stuff upon us.

Add to this whatever Stress you will lay upon the confident Boasting of those Dissenters who are most in *K. William's* Interest and Councils, that all will be their

own they make no doubt of it; only they would manage, as they think, wisely, and worm us out by Degrees. They told us, from the beginning of this Revolution, that K. *William* would take his time to bring them into the chief Places and Offices of Trust; which we thought, in our honey Month, to be nothing but the vain Humour of that Party, and to create Jealousies betwixt the King and us, when we were endeavouring to exceed one another in our Caresses; which if they were meant no more sincerely on his side than they were by some of us, it was a Force on both sides; and not like longer to last, than the first Opportunity either could get to put themselves into Hands they could better Trust.

They told us too, that he would begin with *Scotland*, and according to the Success he had there, would take his Measures as to *England*.

There is not a Step has been made, which they have not faithfully and truly foretold. It is easy for Managers to be Prophets of what is designed.

I wish what is to come of their Prediction may not prove as true as what is past; that is, that, having divided the Church of *England* among themselves, they would, through Fears or Hopes, gain the major Number to come over to their Doctrine of Resistance; whereby, having proclaimed themselves to have been false Teachers heretofore, they would easily prevail with the People not to trust them for the time to come: And so, by consequence gain the City on their Side, and have their turn in setting up upon the Inclinations of the People; and overturn Episcopacy here, as they have done in *Scotland*.

Indifferency in Lovers is a certain Forerunner of a Breach. And the People of *England*, who were so excessively enamoured of us, when the Bishops were in the Tower, that they hardly forebore to worship us, are now, I wish I could say but cool, and very indifferent towards us.

What the End of all these Things will be, is what, dear Brother, has tortured my Thoughts, and makes me vent them so freely to you, who, I know, partake, in a great Measure, in them with myself.

But, O good God! If we have not been sincere with him, he knows our Hearts! If temporal Advantages have been any Byas to us! Or if, as *Uzziab*, we have put forth our Hand, beyond our own Rank and Order, going but in the least out of the plain Road of our Duty, tho', as we thought, to save the Ark from falling, oh! what will our Judgment be! If those Methods we have taken to preserve the Church, prove, as it sadly now threatens, to her and our own utter Destruction! We see the Enemy already roar in the midst of our Congregations, and they have set up their Banners for a Token: We seem now to hold our Post but at their Discretion, till they are ready to give the Word, as in *Scotland*, no more Episcopacy! No more Church of *England*! But we shall not fall like them: They fell altogether, every Bishop in the Kingdom, and almost the whole Number of the inferior Clergy. They may rise again, and will rise Glorious, asserting still the same Principles as we did before in the Restoration, 1660. But as for us now, whither shall we cause our Shame to go? Will not the *Scots* upbraid us? Where was our Zeal for Episcopacy, or Foresight of our own Danger, when we stood silent by, and saw their Fall, without putting in one Address, or shewing the least Concern for our Brethren? They will mind us (for we have not thought of it) of the Zeal

which

which the *English* Bishops shewed in the Case of the Archbishop of *Glasgow*, unjustly deprived by lay Authority in the Reign of *Charles* the Second, though there was an Act of Parliament then to countenance it; they espoused it as their own Cause (for so indeed it was) till they prevail'd with the King to have him restored. But now we could see not only all the Bishops in that Kingdom, but our renowned Metropolitan, and near half of the then Bishops of our own Kingdom, deprived by meer lay Authority, (not to mention the Dispute of the Validity of that lay Authority, and the Cause, which none of us did think sufficient for a Deprivation) without interposing one Word on their Behalf; or so much as for having that Allowance made good for them by the Act of Parliament, either by *K. William*, to whom the Act entrusted the disposing of it; or if not from his Justice, yet at least from the Generosity of those who came, unwilling and sorrowful, as they pretended, into their Places. Nor did our Convocation once complain of the Absence of their Archbishop, and so many of their other Bishops, or make any Address on their behalf, or desire any Conference with them, to know their Reasons, and endeavour any Accommodation. No; we did none of these Things: We were seized with, I know not what, panick Consternation. Though all were well inclined, and every one would gladly have been a Second, yet none durst begin. We were passive here to a superlative Degree: Our Courage and our Souls have left us. We lie under the Load, though we see ourselves sinking with it. What is this but Infatuation! and the End must be Destruction. But now, at last, if we have any Spirits left; though we have not made any Address, or shewn ourselves concerned for the Case of our Brethren in *Scotland*, or for our depriv'd Bishops and Clergy here; yet let us not sit still, and by a supine Negligence, be so wanting to ourselves, as at least not to petition, to represent our Fears and our Danger to the King and Government, to desire some Redress to our just Grievances: That there may be an Alteration of the Persons employed in public Offices, and such only set at the Head of Affairs as are sincerely for the Church of *England*; and let us make our Exceptions against those whom we know to be of a quite different Interest. We ventured upon all this, and more, to King *James*, and had good Success in it. Who knows but upon our appearing zealous and active for the Safety of the Church, others of our Flocks may join with us? At least, they will approve and justify us in asserting ours, and their true Interest. But who will stir for us, or stand by us, if we dare not so much as open our Mouths in our own Behalf? It is our Office to lead and instruct them: They will love us the better for it. And we may, by this, recover many whom we have lost; but we shall loose all, if we render ourselves wholly insignificant and insensible of the Incroachments which are daily made upon us: And our Posterities may curse us, in whose Power it was to have stem'd this Tide, if we had taken it in time. The People will never believe that we can be hearty to them, and stand in the Gap for Preservation of their Rights and Privileges (as we have heretofore done, and were honour'd for it) while they see us so very dispirited and negligent in our own.

At least this we shall Gain by it, that if a deaf Ear be given to all our Applications, we may then rest assur'd of what is determined against us.

17 July, 1694.

P O S T S C R I P T.

P O S T S C R I P T.

SINCE my writing of this, to add to our Misfortunes and Dangers, already so many, we have received a fresh Blow, by that irreparable Loss of our most incomparable Queen, who was our Patroness, from a Zeal she had for our Religion, our true and orthodox Church; in whose Doctrines her Judgment was intirely satisfied, and under whose strictest Discipline she had had her Education; and whose truest and most genuine Sons were always most in her Favour, and had most Interest and Influence with her. By her Death we have also lost all Pretence to a Share in *K. William*, and that because we have no Pretence left of serving the present Government upon our own Principles: For though all the World should agree that King *James* really abdicated his Throne, and that the Prince of *Wales* was supposititious, yet *K. William's* Title being now become by her Death meerly elective, and all matrimonial Right ceasing with her, we that are of the Church of *England*, and have ever declared our Constitution to be hereditary Monarchy, can no longer have those Salvo's for our Compliance, which heretofore gave some Ease to our Consciences. *K. William* can't but know this too; and therefore whatever Disguises he may think necessary to put on, he must be laying his Foundation upon, and giving secret Assurances to, those of the Whiggish Party. Nor are we the more secure upon the Account of the Princess of *Denmark*: No! there is our greatest and most bewitching Snare. We cannot say she is not of our Church in her own Mind; but what Security can we have of what her Actings will be, since we know how entirely she is in the Hands, and under the Tuition of the Earl of *Marlb*—, who knowing his Interest to stand so diametrically opposite to that of her own Relations, (and by Consequence to that of the Church which supports them, and which would gladly hope that she might one Day return to be under their Influence and Councils;) who knowing this, I say, is so fastly bound to the opposite Interest, and is so deeply engaged with *Sund*—, and so inward with the whole Gang, who are so obstinately and implacably set against the Interest of our Church. Nay, I am not without my Fears, that when the Princess of *Denmark* has suffered our Church to be sacrificed, and made her own Interest precarious, *K. William* may marry, or may be wrought upon so to wound our Monarchy in its Fundamentals, as in Effect will prove to be the establishing (after his own Time) of that Form of Government the very Name of which all true Sons of the Church have in the utmost Detestation. He may, when by *Marlb*—'s Artifices the Princess of *Denmark* has lost herself and us, obtain an Act of Parliameut to give the Crown to whatsoever Foreigner he thinks fit, or to bequeath us the hated Legacy I just now hinted at. The King's present Fit of Devotion is yet a less Security to us; for if it is put on to serve a Turn, then it is we Churchmen and Tories that are to be deceived; and nothing so effectually deludes as dissembling a good Life and a strict Conscience. Men can scarce keep themselves upon their Guard against such as betake themselves to that Sort of Disguise. But suppose the King is grown really religious, which Way but to the Synod of *Dort*, and the Institutions of *Calvin*, and the Principles of his Education, should this new-raised Devotion turn him?

Has

Has he unlearned his old Doctrines, as well as turned over a new Leaf? The more religious *K. William* is, the more zealous he will be to establish Presbytery amongst us; and that by such Steps, and such Degrees, as the Heads of that Party judge proper to do their Work.

A Letter to a Friend, upon the Dissolution of the late Parliament, and the calling of a new one: Together with a List of those that were against making the Prince and Princess of *Orange* King and Queen.

S I R,

AS I do fully acquiesce in the Wisdom and Authority of the King in dissolving the late Parliament: So I'm perfectly persuaded, that he did it upon Motives relating to his own Honour, and to the Safety and Happiness of his People, and not in Subserviency to any prerogative Design, nor to please himself with an Exercise of regal Power. And I will venture to say, that nothing could have induced him, so abruptly, as well as unexpectedly, to have dismissed a Parliament that first advanced him unto, and then by so many free and vast Contributions, endeavoured to support him in the Throne, but the finding them unserviceable to the uniting of Protestants, the vindicating our Laws and Liberties, and the punishing of those who had subverted our Constitution, which as they are the only justifiable Grounds, both of his coming hither, and of his accepting the Royal Authority, so nothing less than pursuing those Ends can vindicate his Descent into *England* from being an unrighteous Invasion; and his ascending the *British* Throne from the Reproach of an ambitious Usurpation. How could a Prince of his Integrity and Wisdom think, that the obtaining and wearing of a Crown was honourable and just, while the Reasons upon which he received and possessed it, were not only controuled and reproached, but exposed and ridiculed? Nor is it possible for his Majesty to believe, that the late King was so heinously guilty as to forfeit all Right to Sovereignty, while those who advised him unto, and were the Ministers of all his Misgovernment, whom the Law makes chiefly, if not only accountable, were esteemed guiltless and innocent. He could not but foresee, that the Abdication of *K. James* is easily reversible, and that he himself holds his Crown very precariously, if there were nothing to justify the enthroning the one, and the dethroning t'other, but the hasty and arbitrary Vote of the Majority of the two Houses. And he must needs look upon all that was alledged concerning the late King's violating the original Contract, and his subverting the Laws of the Constitution, as Fiction and Dream, while there were none to be found that counselled him unto, or assisted him in it.

And

And as this justifieth the Wisdom of his Majesty in the dissolving of the late Parliament, so we may from hence easily conclude both upon what Prospect and Hope he hath been pleased to call a new one, and by what Measures those to whom the Right of electing Members doth belong, are to guide themselves in the ensuing Choice. Nor do we only want a Parliament that may confirm, establish and support his Majesty in the Throne, but which may proceed on those Principles, as does render his Accession to it necessary, as well as honourable and just. And as the Nation is once more furnished with an Opportunity of chusing such a Representative Body as may vindicate and assert its ancient Laws, Rights and Liberties, so there is a fresh Advantage offered us of testifying our Loyalty to his present Majesty, and of promoting his Greatness, as well as of providing for our own future Safety. I need not tell you that the Ends to be proposed in the Service of those who are to be elected are, that your Throne may be settled upon firm and righteous Foundations; and that all his Majesty's Subjects may live at Ease and Unity under his Government. 'Tis therefore first incumbent upon all wise and honest Men, that they elect such to represent them, as may both allow and confirm unto the King all the ancient and legal Rights of the Crown, and yet at the same time recover and secure all those Privileges unto the People, which the invading and wresting from them, gave Occasion unto, and can alone justify the late Revolution. Whosoever seeks to enrich the King with the Spoils of his Subjects, and to adorn him with what our late Monarch ravished from them, can design no less than that the same Fate should befall him which overtook his Predecessor; which is the robbing him first of his People's Affections, and then of his own Authority. Secondly, 'Tis no less the Duty than it is the Interest of all that would have the Nation formidable to its Enemies, and the King successful in his Undertakings, that they depute and authorise those to act for them in Parliament, who without subverting or undermining the Church, may not only preserve unto Dissenters that Liberty vouchsafed unto them for worshipping God; but who may restore them unto, and vest them in all the common Rights and Privileges of *Englishmen*. Nor will it be easy to persuade so great a Company of People, that they find their Account in the late Revolution, unless they be admitted by Law to enjoy the same Advantages under the present King, which by dispensing with, and an Usurpation over the Law, they were possessed of under the last. Thirdly, We are to esteem them the fittest of all others to be returned to serve in the ensuing Parliament, who are likeliest to maintain in our Allies a Confidence of us, and to encourage them both to continue the Confederacy, and to pursue the Ends of it. And therefore, as we would not give Jealousy unto them, and weaken the Union amongst themselves, and with us, and we ought to avoid the chusing of those that have heretofore promoted the Grandeur of *France*, or that have either sought the Destruction of the *Dutch*, or expressed a Malice and Rancour towards them. Fourthly, As we would not betray both the King and ourselves, we are to chuse none but such who are entirely in his Majesty's, and in the Kingdom's Interest; which as it is impossible to believe of them, who acknowledge him only a King in Fact, but not by Right, so it is not easy to conceive how they should be forward and zealous to support him in the Throne, who opposed his coming to it. The Enemies to King *James's Abdication* are not

not like to be true and lasting Friends to King *William's* Sovereignty. In short, it is the Duty of all that love the present Establishment, to be against those whom you find them to be for, that refuse to swear Allegiance to their present Majesties. Nor are they worthy of the Vote of an honest Man, who are not satisfied with the Protection of the royal Power, unless they have both the Mastery of it, and the exerting and applying of it to the Oppression of their Fellow Subjects. 'Tis not a King, but a Tool under that Name which they desire. And instead of allowing him to be the universal and equal Ruler of all his People, they seek to reduce and degrade him to be the Head of a little and peevish Faction. Which that his Majesty may be preserved from all Temptations unto, through the wise Choice of those that are to sit in the following Parliament, is the unfeigned Desire of,

Sir, Your humble Servant.

Berks	<i>William Cary</i>	Leicestershire
Lord Norris	<i>Henry Nortleigh</i>	<i>Sir Tho. Halford</i>
Buckinghamshire.	<i>Sir Arthur Chichester</i>	<i>Tho. Babington</i>
<i>Sir Ralph VERNY.</i>	<i>Edm. Walrond</i>	Lincolnshire.
Camb.	<i>Will. Hayn</i>	<i>Charles Bertie</i>
<i>Sir Levinus Bennet</i>	<i>Will. Coleman.</i>	<i>Sir John Brownlow.</i>
<i>Sir Robert Cotton</i>	Dorsetshire.	Middlesex.
<i>Sir Robert Sawyer.</i>	<i>Tho. Strangways</i>	<i>Sir Charles Gerard</i>
Cornwall.	<i>John Pole</i>	<i>Ralph Hawtrey.</i>
<i>Sir Bourcher Wrey</i>	<i>Sir Robert Nappier</i>	Monmouth.
<i>Fran. Roberts</i>	<i>Edward Nicholas</i>	Marq. of Worcester
<i>Sir John St. Aubin</i>	<i>Rich. Fowns</i>	Norfolk
<i>Charles Godolphin</i>	<i>Will. Okeden</i>	<i>Sir Will. Cook</i>
<i>Nich. Glynn</i>	Durham	<i>Sir Nevyl Catlin</i>
<i>John Tanner</i>	<i>Will. Lampton</i>	<i>Sir John Turner</i>
<i>Alexander Pendarvis</i>	<i>Robert Byerley</i>	<i>Sir Fran. Guybon</i>
<i>James Praed</i>	<i>George Morland</i>	Northamptonshire
<i>John Rashleigh</i>	Gloucestershire	<i>Edw. Montague</i>
<i>Fran. Vivian</i>	<i>Will. Cook</i>	<i>Gilbert Dolben</i>
<i>John Specot</i>	<i>Tho. Master</i>	<i>Sir Justinian Isham</i>
<i>Sir Jos. Tredenham</i>	<i>Sir Fra. Russel</i>	Lord Wenman
<i>Hen. Seymour</i>	Herefordshire	Northumberland.
<i>Sir John Coriton</i>	<i>Hen. Cornwall</i>	<i>Will. Forster</i>
<i>John Prideaux</i>	Huntingdonshire	<i>Philip Brickerstaff</i>
Cumberland.	<i>John Bigg.</i>	<i>Sir Ralph Car</i>
<i>Sir Christ. Musgrave</i>	Kent	<i>Roger Fenwick.</i>
Derby.	<i>Sir John Banks</i>	Nottingham
<i>John Coke.</i>	<i>Sir John Twisden</i>	Lord Eland
Devonshire	<i>Caleb Banks.</i>	Oxon
<i>Sir Edward Seymour</i>	Lancashire.	<i>Sir Robert Jenkinson</i>
<i>Christo. Bale</i>	<i>Fran. Cholmondley</i>	<i>Sir Thomas Clarges</i>
<i>Sir John Fowell</i>	<i>Sir Edw. Chisnall.</i>	<i>Hen. Berty</i>
<i>Rawlin Mullack</i>		<i>Sir John Doyley</i>
VOL. IV.	R	Rutland

Rutland	Staffordshire.	Westmoreland
Sir Tho. Mackworth	John Gray	Richard Lowther
Salop	Robert Burdet	William Cheyne
Edward Kynaston	John Chetwind	Wiltshire
Andrew Newport	Sir Henry Gough.	Lord Cornbury
Sir Fran. Edwards	Suffolk	Robert Hyde
Sir Edward Aston	Sir John Cordell	Richard Lewis
George Weld.	Sir John Rous	Peregrine Bertie
Somerset	Sir John Barker	Henry Chivers
Sir Richard Hart	Tho. Glemham	Walter Grubb
Sir John Knight	Sir Hen. Johnson	Charles Fox
Edw. Berkely	William Johnson	Sir Edm. Warnford
Sir Will. Basset	Sir John Poley	John Dean
Sir Will. Portman	Thomas Knyvet	Sir John Ernle
John Sandford	Hen. Pooley	Sir George Willoughby.
Sir Francis Warr	Sir Robert Davers	Worcestershire
Francis Luttrell	Sir Thomas Harvey.	Henry Parker
Nathan. Palmer	Surry	Sir John Matthews.
Sir Edw. Windham	John Weston	Yorkshire
Will. Helyar	White Tichburn.	Earl of Danby
John Hunt	Suffex	Sir John Jennings
Tho. Sanders.	Sir William Morley	Christopher Tancred.
Southampton	John Alford	Brecon
Franc. Morley	Charles Goring jun.	E. Jones of Buckland.
Sir Benj. Newland	Will Morley	Denby
Sir Robert Holms	Warwickshire	Sir Rich. Middleton
Earl of Ranelagh	Sir Richard Verney	Edward Brebon.
Thomas Done	Sir Roger Cave	Glamorgan
Franc. Guin	Lord Digby	Thomas Mansell
William Etrick	William Colemore.	Pembroke
John Pollen.		Sir William Wigan

Dr. Bates's congratulatory Speech to the King, November
22, 1667. In the Name of the Dissenting Ministers in
and about London.

May it please your Majesty,

YOUR happy Return with Peace in your Retinue, has rais'd a Spring-
Tide of Joy that overflows the Nation. This great Blessing we pri-
marily owe with our most solemn and dutiful Thankfulness to the God of Peace,
who has calm'd the tempestuous World and chang'd the black Scene of Hor-
ror and Misery ; wherein the most tragical Cruelties were acted ; Cities were
fired, and the Fires quench'd in the Blood of the Citizens, wherein Death and
Despair

Despair appear'd in their terrible Shapes ; and has introduced a bright Scene of Prosperity, wherein Innocence and Liberty, Commerce and Abundance are secured. This we owe, as to the secondary Cause, with our most humble Gratitude to your Majesty ; your open and generous Opposition in the Field of Battle, has tamed our potent Enemies, who presum'd to level all Obstacles to their lofty Designs, as if their Power had been equal to their Pleasure. They had broke through the Circles of Justice and Honour, but your Majesty has fix'd such Bounds as may prevent their swelling Exorbitancies for the future.

Europe has seen with Admiration your Courage and heroic Heat, guided by an equal Light, and superior to all Dangers in War: There is a just Expectation that an equal Honour will attend your Majesty for your ruling Wisdom, your Justice temper'd with Equity and Goodness in the Counsels and Arts of Peace : You are the Glory of your Subjects abroad, and their Delight at home. Your influxive Presence is the vital Breath the Kingdom draws, the vital Band that unites its Parts, and prevents their breaking into Confusion.

Your Majesty is ordain'd for Victories. There are more noble Conquests to be obtain'd over worse than foreign Enemies : Prophaneness in Manners, and pernicious Doctrines in Religion that fight against the Soul, and notwithstanding our Peace on Earth, expose us to a fearful War with Heaven. We live in an Age of degenerate Wickedness ; wherein are numberless Numbers of resolv'd Looseness, who by their bold Impieties, defy the supreme Majesty of Heaven : These we hope by your Authority and Influence may be restrain'd, if not truly reform'd ; for whereas other Princes assume an infamous Prerogative to live as they list, to satisfy their vicious Appetites without Controul, your Majesty exhibits such excellent Virtues in your Practice, as may be a persuasive Pattern and commandingly exemplary to your Subjects.

And whereas, there are such Doctrines frequently published as are infinitely injurious to the Person and Office of our Blessed Saviour, we hope your pious Zeal for his divine Honour will put a Stop to the Licentiousness of the Press, that the Contagion of the Dead may not corrupt the Living. This will be a most pleasing Sacrifice of Praise to the Blessed God, who has preserved your most precious Life in raging War, and from more imminent Dangers, by the dark and cruel Conspiracy of wicked Enemies.

We humbly renew the Assurances of our inviolable Loyalty, and our continual Prayers,

That God would preserve your sacred Person, and make your Majesty always happy in your Government, and your Subjects happy in their Obedience.

A List of King *James's Irish* and Popish Forces in *France*, ready (when called for:) In Answer to an Argument against a Land-Force, writ by *A, B, C, D, E, F, G*, or to whatever has been, or ever shall be, writ upon that Subject.

H O R S E.

	Private Men.	Comm. & NonCom. Officers.	Total
Two Troops of Guards { <i>First</i> , Lieut. Gen. D. of <i>Berwick</i>	80	20	
{ <i>Second</i> , Earl of <i>Clancarty</i>	80	20	
Two Regim. { K. <i>James's</i> Royal Regiment, Brigadier <i>Sheldon</i>	300	72	
{ Queen's Regiment, Brigadier Lord <i>Galmoy</i>	300	72	
	760	184	944

D R A G O O N S.

Two Regiments { King <i>James's</i> Royal Regiment, <i>Killmallock</i>	450	108	
{ Queen's Regiment, <i>Carrol</i>	450	108	
	900	216	1116

F O O T.

F O O T.

	Bat.	Private Men.	Comm. & NonCom. Officers.	Total.
24 Batal.	Guards, <i>Dorrington</i> —————	2 ———	1100 ———	242
3 Independ. Companies.	Queen's Regiment, <i>Luttrell</i> ———	2 ———	1100 ———	242
	<i>Leigh</i> —————	3 ———	1650 ———	363
	Marines, <i>Fitzgerald</i> ———	2 ———	1100 ———	242
	<i>Limerick</i> —————	2 ———	1100 ———	242
Regiments.	<i>Charlemont</i> —————	2 ———	1100 ———	242
	<i>Dublin</i> —————	2 ———	1100 ———	242
	<i>Atblone</i> —————	2 ———	1100 ———	242
	<i>Mac-Elligot</i> —————	1 ———	550 ———	121
	Lord <i>Clare</i> —————	3 ———	1650 ———	363
	<i>Dillon</i> —————	3 ———	1650 ———	363
	Three Independent Companies ———		180 ———	21
		13380	2925	16305
	Total	15040	3325	18365

Some Queries for the better Understanding of a List of King *James's Irish* and Popish Forces in *France*, ready (when called for): In Answer to an Argument against a Land-Force, writ by *A, B, C, D, E, F, G*, or to whatever has been, or ever shall be, writ upon that Subject.

Query. **W**HETHER 18,000 *Irishmen* cannot conquer *England*, when 100,000 could not defend *Ireland*?

Query, Whether 150,000 *English* Militia do not want a Land-Force to defend them against 18,000 *Bogtrotters*, headed by that Mirror of Valour, and Epitome of all Courage, *K. James*?

Query, Whether we have not an honourable Peace, when *K. James*, that had never a Soldier during the War, hath 18,000 since the Conclusion of the Peace?

Query, Whether, if the King of *France* keeps up 18,000 Men at *K. James's* Devotion, he doth not punctually observe that Article, not to assist and abet any Enemy against *K. William*?

Query

Query, Whether K. James ought not to be cannoniz'd for working of Miracles, in maintaining an Army, when he lives upon Charity himself?

Query, If 500 *Inniskilling* Men could beat 10,000 *Dear-Joys*, whether 900, when sent for, will not beat these 18,000, when called for?

Query, Whether 1100 *Marine Soldiers*, commanded by the redoubted Col. *Fitzgerald*, be not a proper Assistance for K. James, who is not Master of a Cock-boat?

Query, Whether it is more for our Interest to call for them, or the *French King's* to send them; and whether, all Things considered, they will come when call'd for?

Query, If the true *Brentford King* and his Forces come here with a *Whoop*, they will not be gone with a *Hollow*?

Query, Whether this Peace is to be headed by K. James or his Wife, and which of them is the Head?

Query, What Water-Force will be necessary to bring over this Land Force?

Query, Whether this List of K. James's Forces be not the best Answer that hath been published to the Argument? and whether they ever shall, or can, write better upon this Subject, and all that *J. Gad*?

Query, Whether the Author understands A, B, C, D, E, F, G. &c.?

Query, Whether the Author of this Libel against the King and the Government will be ready (when called for?)

A Letter from a General Officer to a Colonel, and several Officers and Soldiers under King James, now in the present Service.

I Must own (noble Gentlemen and Fellow-Soldiers) that I was one of those who were misled as well as you, by the Apprehensions that our Religion was in Danger, had not the Prince of Orange come opportunely to redeem it: But I can upon my Salvation say (and I hope so may many of us) I had no other Design in closing with his Troops, but only to have obtained a free Parliament, and such Laws as would have secured our Religion and Property, which was pretended then to be invaded. It never entered into my Thoughts neither had I the least Suspicion that the Prince aimed to dethrone his Father, or to embroil us in such an expensive War, to the utter Impoverishment of our Country. 'Tis true, we Soldiers are not usually Politicians, and therefore could not so easily pierce into the hidden Intentions of ambitious Men; but we have so much Sense as to remember how kind a Master K. James was to us, how duly he paid us, and yet never sought a Penny from the Country for it: Whereas now, though in all our Quarters we hear nothing but Complaints, of Want of Trade, Scarcity of Money, and excessive Taxes, yet you know how ill

ill we are paid. We, who have undergone as much Fatigue in *Ireland* as ever Army did: We, who with the Expence of so much Blood, Poverty, Hunger, Fatigue and Sicknes, have reduced that Kingdom, find now so little Regard had for us, that instead of a Recompence we can neither get Cloaths nor Money, nor Horses, for those that we lost in Service; and are forced to oppress our native Country for meer Subsistence. It repents me at my Soul, that we took so much Pains there to expel so good a King and Master, from a Country which was only left him for his Shelter; which shews we fought for Fighting-Sake, without reflecting on the Justice of the Cause, or the Consequences of such a Victory

Now, methinks, our Eyes ought to be opened; for my Part I can foresee nothing but an inevitable Ruin to our Country, if we persevere to resist our gracious, indulgent Master. The Scene of War must be translated from *Flanders* hither, and then my Heart will bleed to think what Miseries our poor Country must endure. We have seen, felt and contributed to the Fate of poor distressed, desolate *Ireland*; but alas! your pampered Island, as it is less used to Sufferings, will find smaller Sufferings more intolerable, and yet must suffer much more than they have done, if we repent not in time, and welcome back our Sovereign. It seems he has taken a Resolution to come with a considerable Force of his own Subjects, intermix'd with Strangers, to recover his Right; It behoves us then to consider seriously why we should oppose him? Can we expect any Pay from our present Riders (I call them so, who make us like so many tame Asses bear every Burden) when most of the Nations Money is sent to support the Confederates? Have we not found by woeful Experience, that none are looked upon, preferred, or paid, but *Danes*, *Brandenburgers*, and our *Hogan Mogan Dutch*, and that we *Englishmen* can get no Advancement, unless by the Interest of these Foreigners? You see how far we are from being trusted in our native Country where we might be merciful in our Defence of it, and spare the Stores, the Wealth and Blood of our Friends and Relations; when we must all be driven on Ship-board (though 'tis contrary to the Laws of *England*, there being now no martial Law in Force) which occasioned many of our Fellow Soldiers to shoot to Death their own Comrades for only desiring their Pay, and sent to fight the Confederates Quarrel in *Flanders*, to make room for Twenty-thousand Foreigners, who are now about to be purchased with our very Pay, at no less a Rate than three hundred and fifty thousand Pounds, to come and harrafs our Country, and destroy and burn what they cannot defend, that if they cannot, their Enemies also may not be better for it, but the Country desolate. Whereas we know K. *James* has a true *English* Soul, and a true compassionate Tendernefs for his Country. All he desires is Liberty to all, that all may live in Peace and Plenty; whilst K. *William* sets his whole Mind to support the *Dutch*, to make them our Masters, and give away our Bread and Traffick from us.

Let us then at last be *Englishmen*, Lovers of our Country, and of our lawful, kind, and bountiful King, and nothing will be wanting to us. We shall have Honour, Peace, and Plenty, but above all a quiet Conscience, if we return to our Duty, and save our native Country from Ruin and Desolation. You can not but see the Country desires, and justly deserves it at our Hands. They expect

expect, that as we were the first that gave the Prince of O. this Advantage to rule us with a Rod of Iron, and lavish away our Gold and Silver amongst his Foreigners; so we should be the first to assist K. James to return without any Bloodshed. He has many Friends, and every Day gains him more; and however we may fool ourselves with the vain Hopes of K. W. carrying us into the Heart of France, and keeping up the Confederacy, neither the one, nor the other, can succeed. France is too strong for us to attack it; and the Confederacy too weak to subsist much longer. It must break, and if now we should be so barbarous to oppose our old Master, then he will be able to come in with much more Force than we can resist; and we shall neither have the Credit, nor the Comfort of being instrumental to such a Blessing.

Let us therefore at his first Appearance shew ourselves true *Englishmen*, own our King, own our Laws, own our Country and Kindred, and not fight *Dutch* Quarrels to make ourselves the Laughing-Stock of all Nations; or as so many Fools, who in the midst of so clear a Light, could not see our own, and our Nation's Interest.

I write not this out of any Discontent. I have had as much Favour from K. W. as any other Officer. I have not been dealt with as my Lord Marlborough, or my Lord Torrington, or any of those other *English* Officers who were lately seized and imprisoned (we are certain) for no other Reasons, but to prefer Strangers to their Commands, and it may shortly be our Fate: But I have a true Sense and Feeling of the Miseries our Country must suffer, if we oppose our lawful King, which must cause more and more Supplies to be sent on both Sides, and so make our Country an Aceldema, or Field of Blood; whereas we now of the Soldiery, if we have honest *English* Hearts, may turn the Scale, make ourselves and all our Posterity happy, and restore Peace and Plenty to Old England, and have all our Arrears paid us. For K. James truly loves his Country, and its Peace and Welfare, and ever was the best Master to his Soldiers of any Prince in Europe: and we may be assured that whatever Foreigners our true and lawful King brings in (if we shew ourselves just and loyal) will soon be honourably dismissed, and we employed to regain our Trade, and repair the Losses this *Dutch* Stratagem hath brought upon us. K. W. is wholly theirs, and they for themselves: Why should not we be for ourselves, as our King is for us. If we join as Brethren, and honest *Englishmen*, we need not fear ambitious or self-ended Courtiers, nor *Dutch* Councils. We have the Countries Hearts and Wishes, and they will fully requite us for freeing them from endless Taxes, and still growing Miseries.

Noble Friends, and Fellow Soldiers in Arms; I write not this but upon most serious Deliberation, not only with myself, but with the best of our Companions, and the most Eminent amongst the Nobility and Gentry of England, who heartily concur with me in their Wishes, and will also concur with us with their Lives and Fortunes, if we acquit ourselves like honest true *Englishmen*, and Lovers of our Country. Which with them, and (I hope) with you, I resolve to do, to the utmost of my Power, who am,

Noble Gentlemen, and Fellow-Soldiers,

Yours in all Sincerity.

A

A Problem concerning the Gout ; in a Letter to Sir *John Gordon*, Fellow of the Royal College of Physicians, and of the Royal Society in *London*. By *G. P. Esq*; with a Reply, and Censure thereupon.

S I R,

YOU have, by the very *Magic* of your most ingenious Discourse, (with which you honoured me the other Day) wrought a Cure very foreign to your Profession ; you have rectified the Habit of my Mind, and expelled a noxious Error from my Judgment. But give me leave to tell you, if you accustom yourself to such Methods, if you are at such Expence of Learning and Rhetoric, to undermine a sandy Notion, to break a brittle Fancy in Pieces, you will make the Number of your Opponents exceed that of your Converts ; either by stirring up some Fumes of Pride in such as I am, to observe our crude Conceits worthy of your Censure ; or by raising an Itch of Contradiction, only to enjoy the Pleasure of your Confutation. And now, to make my Submission compleat, I will present you with the Scheme of my Conceptions on that Subject, that so having rid my Thoughts of the Burthen of them, they may creditably expire under the Honour of your Correction.

I have been acquainted with the Gout near twenty Years, during which time the troublesome (but, as I have used to treat him, not very chargeable) Guest hath constantly paid me a Visit once in the Year, and sometimes twice ; therefore I may be allowed to give an Account of it more than notionally and theoretically. And tho' I do not in the least pretend to any Knowledge or Judgment in the noble Science of Physic ; yet having in my younger Years been conversant in the most delightful Study of Anatomy, I came to understand the Inside of myself, and a little to know, and with some Astonishment to admire that orderly and stupendous Contexture of all Parts of the Body, which no Hand, but that of an omnipotent Creator, could effect ; which every Man carries about him, but few know, and none can understand, but such as have been accustomed to Dissection, and especially of living Bodies ; and is in some Measure represented by a Clock, the Order and Office of which is very admirable ; but when you open the Doors, and behold the Motions (so like to animal) the Harmony and Subserviency of each Wheel and Part to the other, all Wonder of the Outside ceaseth, and is disregarded. Besides, my Age warrants me to claim the Title of a Physician in my own Defence, that I may avoid the Epithet of a Fool ; and I am obliged to pretend to some Proficiency, that I may escape the Censure of talking like an Apothecary.

Upon the whole, I do observe, that the Causes of that Distemper are as much mistaken, and as little understood, as the Cure. Wherefore I am in my Opinion very heterodox, and do think, that whosoever is so fortunate as to be affected with the Gout, (especially if the Indications of it do commence in his

declining Age,) he ought to use no means to repel it, or be rid of it, but patiently to endure the Fit, as a lucky, tho' sharp Composition for more fatal Maladies: as I have heard or read of a Custom used in the *Low-Cuntries*, that when a Man after Fifty falls into the Gout, his Friends come about him, they make a Feast, and rejoice at this hopeful Prolongation of his Life, and a probable Addition of twenty or thirty years to it. And by the Way, I cannot but observe to you, that when *Aza* King of *Judab* was diseased in his Feet (which is by all interpreted to be the Gout) it is noted of him, that he did not seek to the Lord, but to his Physicians; he did not patiently endure the Fit, but tampered with Plaisters and Poultrices.

In some Persons the Gout is Hereditary, and in some it is Original; and tho' it be ordinary to impute the Assaults of it to Excess in Diet, and other inordinate Pleasures; yet having in my Observations remarked how many Men and Women of the strictest Temperance, and singularly abstemious, have been in the most miserable Manner afflicted with it, while others, setting no Limits to their Appetite, have for many Years indulged themselves in Excess, yet never suffered in any Symptoms of it; I cannot be persuaded that it proceeds naturally, or necessarily from such Causes.

It may justly and reasonably be called, *Mala Cause bonus Effectus*; and tho' possibly it were good for a Man not to have that Disorder in the Humours, which doth occasion that Distemper; yet it is better to have that Irregularity dispelled by a Fit of the Gout, than to be fixed by a Disease in any of the noble Parts, or transformed into an acute Fever; it may be well for a Man to be of so athletic a Constitution, as to have no Disposition to the Gout; but it is certainly better for him that once hath had it, not to miss the *annual* Return of it; nay I am almost induced to say, that the Gout is so far from being a Disease, that it is rather a Cure, a Cure administered by Nature, without the Aid of a Physician, and infallibly effectual, if not interrupted by cross and churlish Applications.

I am of Opinion, that this may be a proper Definition of the Gout, *Arthritis est Purgatio Nervorum*. And I am inclined to suppose so, by Reasons drawn from my own Observation and Experience. First, because a Dulness of the Brain, and Heaviness in the Head (which is the Root of the Nerves) is a certain, if not a constant, precedaneous Symptom of an approaching Fit; and then when the Gout is fixed in the Hand, or Foot, or other Joint immediately that Cloud which darkened the Brain, is dispelled; and the Understanding, Memory, and Fancy, is sensibly cleared and quickened. Secondly, another Symptom is *Motio formicans*, a little stirring in the Back, like the Crawling of Emmets or Pismires; which seem to be a goutish Humour passing along the spinal Marrow, from whence the Nerves are disseminated. Thirdly, because the Operation, or Affliction of the Gout, is not exercised on the fleshy and muscular Parts of the Body, but is suddenly darted and conveyed through the Channels of the Nerves into some Joint, and yet doth not remain in the Nerves; which I conceive to be performed thus; a Nerve being composed of many filaments covered with a Membrane, is the proper Vehicle, and Instrument both of Motion, and Sensation, the latter whereof is performed by the Object being carried by a tremulous Motion up to the common Sense (as a stretched Lute-String trembles at the Top, when touched at the Bottom;) the other

other by conveying the animal Spirits between the Cavities of those Threads or Filaments, which compose the Nerve, (as a Bundle of Quills clapt together must leave Spaces and Vacuities, because they are round, and can touch one another but in *Lineâ*, by Reason of their Convexity;) now through these Cavities, I suppose, the malignant Ferment which Nature throws off, (and is the very Elixir of contagious Humours) channels along, and passes to the Joints, where if undisturbed by violent and unnecessary Applications, it gently evaporates by insensible Perspiration, after its due Crisis and Periods.

Fourthly, Because the Gout, like other acute Distempers, hath its gradual and regular Proceſſion, its Increment, State, and Declension; and having gone through the Extremities of the Body, passes off (if not checked and controuled by Plaisters, Salves, and Poultices) leaving the Joint or Member free from all Pain, but weak, and disabled from Motion, which is the proper Employment of the Nerves and Muscles.

Fifthly, Because the Cramp (which is a convulsive Motion and Distortion of the Nerves and Muscles) is constantly an Usher, or an Attendant of the Gout.

In the Tenets of Religion, I desire to be always orthodox; in the Disquisitions of Natural Philosophy, I take a Pleasure to be heretical: I subscribe to the Dictates of the Church; but I am not ashamed to be a Non-conformist to the Theorems of *Aristotle* and *Galen*. So being once got out of the common Road, give me leave to ramble a little, and to present you with some other Notions, which without Arrogance I may call my own, since as no other Man (to the best of my Knowledge) ever published the same; so peradventure no Man else will applaud, or abet: but for that I am no way concerned; what I write, is for my own Pleasure, and your Diversion, and I am not at all ambitious to be the Leader of a Sect or Party.

I am of Opinion, that the Gout and Stone are one and the same, conceived and begot by the same Causes, fostered and cherished by the same Accidents, and only differing in their Seat and Position; the one ravaging among the Joints, and external Parts of the Body; the other making its Residence in the inward Recesses of the Veins, and urinary Passages. I take the Stomach to be the *primum mobile*, and principal Agent in these Occurrences, to whose Indisposition and Male-Administration the dolorous Consequences both of the one and the other, are primarily to be attributed; so that the Errors in the first Concoction (whether arising from the natural Debility of that Vessel, or fomented by the inordinate Use, and the Irregularities of Diet) are the Embrio, or Seed-plot, from whence the Maladies and Disorders which infest the Body, are derived. Hence Agues and Fevers receive the first Rudiments of their Formation, from the crude Relics of Indigestion. Here, by precipitated Concoction, the pure and genuine Chyle is perverted into acrimonious Humours, and Choler adust, which become the Original of Catarrhs, Consumptions and Hydropic Distempers. But if by the Strength of Nature, and the Pancreatic Constitution of the Party, the Malignity be removed from the Vitals, and the Venom precluded from channelling in the Arteries; then the Ferment, or morbid Salt, is forced away, and either ejaculated into the Nerves, which causeth the Paroxysms of the Gout; or transmitted into the Kidneys, and causeth the condensing of Gra-

vel, which carrieth the Contagion off with it, if seasonably expelled; but if fixed, engendereth the Stone, and the fatal Torments that attend it. Nay, the very End and utmost Effort, both of Stone and Gout, conclude in a sandy and calculous Accretion; the one visible in the Bladder, the other apparent in chalky, topaceous Stones in the Joints of the Hand and Feet: To which, let me add the Observation of Dr. *Willis*, (which I have read in his Works) that having by powerful Physic driven away the Gravel from a Patient, he became presently afflicted with the Gout; and having forced that to depart, the Stone immediately returned, and became his Bane.

But what if I should strain a Point higher, and entertain you with a Fancy just now come into my Head? Because every Man (who is not taken away by a violent Death) is said to die of a Fever; why may it not be rationally conjectur'd, that the most notorious, ordinary, and epidemical Distempers and Diseases, are but so many diversified Kinds, or Species of Fevers? And if so, then I may be allowed to coin a new Distinction, and divide that universal Minister of Death into these several Classes, *Febris Venalis*, *Febris Arterialis*, *Febris Stomachica*, *Febris Nephritica*, and *Febris Nervea*. Under the first, I place Pleurifies, and other Distempers arising from Redundancy, or an ill Habit of the Blood. In the second, are comprehended Agues, violent and malignant Fevers, proceeding from Inflammations, and Corruption of the Fountain of Blood and Animal Spirits, the Heart. The third shews itself in Cholicks, Iliac Passions, Griping of the Guts, and other Torments caused by Wind, and fetching their Original from the Stomach. The sharp Twinges of the Gravel, and excruciating Miseries of the Stone, are exercised on the Kidneys, Ureters and Bladder, and may fairly pass under the Denomination of *Febris Nephritica*. And doubtless the Pains and Afflictions of the Gout, may properly be termed *Febris Nervea*, since its Swing and Operation is wholly in the Nerves, and is indicated and determined by periodical and feverish Fits; a true Fit of the Gout being always attended by a *Febricula*, or short Fever. Thus the Body of Man is assaulted by Enemies of its own Generation; one Sort of Fever storms it, another blows it up, another undermines it; this batters it, and that pulls it to the Ground; every Man desires to live long, but no Man would be old; and even the Gout, which generally is the Concomitant of old Age, helps to increase the Miseries of it. I will conclude with a Fable of the Gout and the Spider, which was told me by a Country Gardener. The Gout and the Spider, having been old Acquaintance, met in a Summer's Evening; and after ordinary Salutations, began to congratulate each other's Felicity. The Gout extolled his good Fortune, that was so luckily placed in a stately House near adjoining, where the Owner of it carested him with all Manner of Kindness, comforting him with Plaisters, refreshing him with Oil and Frictions, covering him with Scarlet and Flannel, and treating him with so much Civility, that he was not put to the Toil of Walking, but rested Day and Night in a warm Room. The Spider said, I have taken up my Quarters in a poor Man's Cottage, where though my Entertainment be but mean, yet I enjoy Safety and Tranquillity; I spread my Nets through the House, I have as many Webs in the Loom, as would serve all my Generation, and no body disturbs me. Thus having mutually descanted on their Happiness, a Curiosity pricked

pricked them to change Quarters for one Night, that each might be a Witness of the other's good Condition; so they parted, appointing to meet in the same Place, and recount their Adventures. Accordingly the Gout marcheth to the Cottage, attacks the Owner, and fixeth his Residence in his Great Toe. The Spider ascends the Gentleman's Parlour, falls presently to work, and before Day he had extended his Manufacture through all the Spaces of the Room. The next Night they met again, but in a most deplorable Condition; the Gout looked as if he were half-drowned and half-dead. The Spider, as if he were frightened out of his Wits. But wondering awhile at one another's Fate, and recollecting themselves, the Gout told his Friend, that when he came to the Cottage, he, according to his Custom, seized on the good Man's Toe, expecting to rest quietly there; but to his Astonishment, the Man started up, run about with his naked Feet, and plunged himself into a Pond, and had almost drowned or choaked him, so that he had hardly escaped with Life. My Fortune has been little better (replies the Spider) for having finished my Work, and spread my Nets up and down the Room, I betook me to rest; but early in the Morning the Chamber-maid comes, and with her Broom and Whisk unmercifully destroys and tears down what I had wrought; I, upon the Alarm retreated into a Hole, and with much Difficulty made my Escape hither. So, after a little pausing, they took leave: *The Gout returning to the rich Man, and the Spider to the Poor.*

But lest the flat Repetition of such frivolous and incoherent Stuff may prove as troublesome as the Disease it treats of; or the wanton Excursions of my Pen prove equally vexatious to the very Twinges of the Gout; in pure Pity, and good Manners, I desist, after I have with all possible Respect and Sincerity avowed myself, *Sir,*

Your most faithful humble Servant,

Nov. 3, 1690.

G. PHILIPS.

The R E P L Y.

S I R,

THOUGH by your Letter you do me the Honour to represent me as moulded in that of the most extensive Friendship; and submit to my Reflections your very ingenious and well-contrived Thoughts of the Cause, previous and subsequent Phænomena of your old and intimate Friend, the Gout: yet I will not be guilty of so much Vanity, as to endeavour any Alteration in that Scheme which you have so neatly and ingeniously framed: especially, your Sentiments on that Head being espoused and very well defended, not only by *Juncken*, and those learned Physicians, who will have the nutritious Juices to be conveyed to all the Parts of the Body by the Nerves, but also by that Ornament of Learning *Dr. Charleton*, present President of the Royal College of Physicians; for whose Learning and acute Reasonings, I have
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that Veneration, that I judge it almost a Crime to entertain different Sentiments from his, in such Speculations. But I must add, without the least Flattery, That if any Inducements could oblige me to become a Profelite to the speculative Part of your Opinions on this Subject, you yourself furnish me with stronger Inducements than all my Books or Converse in the World could do. For when I consider the Height of your Fancy, the Clearness of your Reasonings, the Solidness of your Judgment, the great Connexion I find betwixt all the Links of the Chain of your various and pleasing Thoughts on all Subjects; the Charmingness and peculiar Neatness of your Pen, I am almost persuaded to believe, that the Gout must be a critical Evacuation of the Brain and animal Spirits, by which heterogeneous, acid, acrid, austere and other troublesome Particles are thrown off from the Brain and Nerves, on the Articulations of the Limbs, which clouds the Fancy, and lames the Reasonings of most Men who are Strangers to that troublesome, though advantageous Crisis; and I must tell you, that, were I confident your old Friend would procure me those Advantages I admire in you, I would almost court his intimate Familiarity; but, *Ex quo vis Ligno non fit Mercurius*.

Those who will have the Cause of the Gout to be lodged immediately in the Blood and circulating Liquors, and not in the Brain, and *Genus Nervosum*, and will have the Crisis performed by the Mediation of the mucilaginous and oleaginous Glands of the Joints, seem to plead fairer; and are exposed to fewer Intricacies, and less Difficulties than the Patrons of the other Hypothesis are; and give a clear and very intelligible Account of the Genealogies of all the antecedent, concomitant, and consequent Phænomena of that troublesome Companion; and lest a Man of your universal Knowledge should be a Stranger to so useful a Part of Anatomy, I presume to recommend to your Perusal a little Tract, called *Osteologia Nova*, lately wrote by Dr. *Havers*, from whose ingenious Pen the Commonwealth of Learning may expect what may be useful to that Republic.

But not to trouble you further with Speculations of this Kind (for in framing, extending, and improving of fine Thoughts, I willingly and justly resign in your Favour the Right Hand of Fellowship) I find, not only by thoroughly considering the Animal Economy, but by many Years Practice and Experience, that those different Hypotheses force very little Alteration on the rational Method of Cure. And you must pardon me, if I take you to Task as to what concerns the practical Part of your Letter, if in good *Scotch* (I pretend not to write *English*) I may so term it; that being a Province to which I am not altogether a Stranger.

In the first place, I must tell you, it is my Opinion, had a Man of your Head made it his Business to be so much conversant in the practical Part of Medicine, as you are in the theoric, you might have easily, not only promoted yourself to the Dignity and Title of a second *Æsculapius*, but also, I am confident, you had altogether altered your Sentiments as to the Cure or Removal of your old Friend. I could, were it necessary, adduce many Instances, and possibly of your Countrymen, of whom some are in this Place, others returned to *Ireland*, whom in a little Time, by the Use of Internals and Topics, I freed from that troublesome Distemper, which is not returned as yet.

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But in the next place, you may consider (not to discourse now of the various Particles and Alterations the circulating Liquors receive from the Air, by Inspiration and otherwise; (for the Nature of a Letter will not allow of such Excursions) that whether the Cause, or *Minera Morbi*, lodge in the Blood, &c. or *Genus Nervosum*; mostly, the Stomach and Guts, and the various Alterations the Materials of our Diet undergo in these digestory Cavities, cannot vindicate themselves to us, for performing their Duty so faintly; nor can we, to ourselves, for oppressing and burthening them so much. So that if the Chyle be acrid, acid, austere, or of other Qualities, the Blood must participate of the Nature of the Materials of which it is made. Besides, if a great Deal of Crudities, Humours, or call them as you will, nestle and stagnate in the Guts, Stomach, or other Parts of the Abdomen, which vitiate the Chylification and Chyle, and rivulets it ill to the circulating Humours, by the lactic Veins (and if not carried off by Vomitors and Purgers according to the present Circumstances of the Patient) *in Limine*, must give new Matter to new recurring Paroxysms, till a long Abstinence, and oft recurring Fits, emaciate the Patient, and consume the *fomes Morbi* in the first Region; which a rational Physician can remove very soon, without the least, or very little Trouble to the Patient; if Imposition or Byass (the Brats of Authority) oblige the Physician to be a Spectator, the Patient is like to have a pleasant Time of it.

In my Practice, wherever I find the *Minera Morbi*, I tamper not with it, but turn it off how soon I can; and if I occasion thereby any troublesome Disorder in the Fluids, I force them to their proper Stations by suitable Paragorics; by which Methods I never had any Disreputation, but my Patients great Advantage. When Indications oblige, I open a Vein, I give Sweaters and Diuretics, by which I divert the designed Course of those troublesome fluid Salts; and seeing the Animal Spirits are but the Product of the Blood, and cannot be expected to be of a more mild Temper than their Progenitor; I alter the circulating Fluids as soon, and much as I can, by removing out of them what is hostile and troublesome, and lodging in them such Principles and Particles I judge them to want. And I judge, by such a Method, (supposing still the Patient to be rational and tractable) the Gout is not altogether so stubborn and rebellious as he is discoursed to be; at least, I found him, in such Circumstances, obsequious enough to my Commands; so that I will not be so unjust to the poor Criminal as many are. For should I not procure a tractable and rational Patient what he expects, I would rather complain of my Timorousness, my being imposed on by the Bugbears of great Authority, and Negligence of suitable Administrations, than on the Stubbornness of a few viscid, saline Humours, which may be cut off as to their *Minera*, and thrown off by suitable Medicines in a very short time.

Sir, I find you are irreconcilable to topical Applications, whether Poullices, Plaisters, or all others of that Kind; but when I have discoursed you a little as to the Nature of those kind Applications, I hope I may moderate your Passion against them; and do some of them the Honour as to procure them your most serene and obliging Countenance.

I must confess to you, and acknowledge, that such of them as are emplastick, astringent, and so contract the Pores, and stop the insensible Transpiration, deservedly

servedly merit very much your Displeasure, on the Grounds and Reasons you intimate in your Letter. But such internal Applications as open the Pores, dissolve Coagulations, (by blunting the acid coagulating Salts) in the cutaneous Glands, and possibly alter very much the Texture of the circulating Liquors, without any previous Trouble to the Stomach) I hope I may presume, to usher those to your Acquaintance; and I have that very great Esteem for your Merit, that I would not make you uneasy, by giving your Esteem and Friendship to any, but those I can venture my Reputation for what I promise in their Name. And if you command me to disclose to you the very Secrets of my Cabinet, your Commands will be obsequiously obeyed.

I do not much admire the Custom of *Holland*; nor do I believe a rational and sedulous Physician (if the Patient be tractable) will suffer the Gout to run all these Stages; for I know by many Experiences, it may be strangled when in Embryo, or may be destroyed in the Bud, before it can blossom; or if it do, may be made fall before it ripen, *sublata causa tollitur effectus*; but if we suffer our Digestions to be weakened, vitiated and oppressed, the circulating Liquors to be loaded with troublesome Salts, or other Particles; if we lodge and continue in the Center, and digesting Cavities of our Body, such a Mass of incommoding Humours, which must of Necessity produce many Distempers, according to the Texture of the Fluids and particular Mechanisms of the Solids of those concerned; then the *Holland* Custom takes place, and not only the Gout, but other Distempers, both Acute and Chronic, run their particular Stages in great Triumph, which we owe to our own Inadvertency, or our Physicians Neglect; for our Health and Sickneses are Mechanical, depend on Mechanical Principles; and he who understands this Mechanism well, and adverts attentively to all its Motions, Measures and Stops, can order the bodily Machine so, that Opinions handed down to us from Antiquity, as to the Nature of Diseases, and Methods of Cure, will very soon and easily be antiquated with the serious Observers of what concerns Health and Sicknes.

I do not question, Persons of both Sexes, who lived very temperately, as to the Solids and Liquids of their Diet, are originally (if I may so term it) obnoxious and pre-disposed for several particular Distempers, from which many (who are absolute Slaves to their Palates, and venture on all Irregularities of that Nature, and are intimate to all Sort of Debauches) are exempted; but this depends mostly on the primitive Configurations, and Mechanisms of the *Glans*, *Tubulae*, and other secretory Organs of the Body, which are not framed at the same rate in all Individuals; whether this Difference of particular Mechanisms, or Organizations, proceed from hereditary (if the Word may pass) Principles, or from other superior or concurrent Causes, I will not give you or myself the Trouble to determine.

This Letter will not allow me to give you my Reflections on your ingenious Speculations about the Nature of Fevers, and your placing them in their several Ranks and Classes, lest I should give you the Trouble to read a Pamphlet instead of a Letter, which by its Length is become too bulcous already, and may rob you of too much of your Time, which you always employ to better Purpose; but if this please, that may be the Subject of a second Entertainment. You did me the Kindness to read me some Essays you have yet kept in their

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Retirement; but in my Opinion they very much deserve a better Fate; and I am confident, you will very much oblige the learned Part of Mankind, if you give them that Dress in which they may be in their Hands. Sir, believe me, that none esteems yourself, or the Products of your Pen, more than

Your very humble Servant,

J. GORDON.

Verdicts of the Learned, concerning *Virgil* and *Homer's* Heroic Poems.

Nilil potest placere quod non decet.

Quintil.

P R E F A C E.

AS I profess to say nothing of my own Stock, so I have no Cause to fear, that I am accountable for the Truth of these Censures. I think myself accountable only for the Faithfulness of the Quotations, which I join to each Saying. My Authors then may speak for themselves, without my being engaged to take the Part of any, or to maintain their Sentiments. So that it is free for each Reader in particular, either to become the free Censurer of these Critics, with as much Authority as they have taken to censure *Homer* and *Virgil*, or to join with them in their Verdicts.

As these Judgments of my Authors are not uniform, no not in one and the same Author, (as it is evident in *Rapin* himself) it is plain, that in such a Variety of Opinions some must needs stray both from Truth and Justice. But this Discernment being above my Reach, I leave the Delight to the Reader himself to judge thereof: not but that now and then I give a Hint of what I think more or less of their Authority.

SECTION I.

The Excellency and Nature of an Heroic Poem, and how to judge well thereof.

IF we consider well the main End of an Heroic Poem, which is to direct Persons of Quality, it is the noblest and most important Work of the Mind. If we consider the Labour and Art about it, it is the most sublime, the most ingenious, and the hardest; nay, beyond it there is nothing richer, or more magnificent to be found. A Man cannot have too much Wit to undertake it, nor too long a Life to compleat it. All Sorts of Learning must be brought thither in refined Abstracts; and the Art to make such Quintessences is a Sort of Chymistry known to few. Sublime Notions, and magnificent Representations, which are not to be found in every Stall, are the Patterns to be employed there. The Wit which an Heroic Poem requires, ought to be of the first Rate of Wits, who are among us, what the Seraphims are among the Angels.

It were then to require too much, to have the Undertakers of such a long and laborious Fabrick, to be infallible. Hitherto none have set their Hands to it, who stood not in need of Pardon, for many Things. *Homer* indeed had the Honour to work therein without a Director and Pattern: But it is not granted, that he did without Fault, what he did without Model; since he slumbers sometimes according to *Horace*. *Bonus aliquando dormitat Homerus*. Though *Virgil* has copied out the best Passages, and that the Copy is more exact than the Original; nevertheless we must acknowledge, that had he been yet more exact, he had stood in need of no Apologies; nor had the Grammarians put him so often to the Rack, to be revenged of the Trouble he gives them. So that, notwithstanding all the transcendent Eulogiums of *Homer* and *Virgil* in the Schools; yet is *the perfect Heroic Poet still to be born, as well as the compleat Prince, or the perfect Captain*.

To clear this Paradox, we must not consider *Homer* and *Virgil's* Poems by their Superficies, Outside, or by Pieces, like meer Grammarians, as *Macrobius*, *Jul. Scaliger*, and *Ful. Ursinus* have done; but to survey well these great Works, we must fathom what they have that's most essential; we must, says *Rapin**, survey all the Proportions thereof, consider whether all the Beauties are well placed, whether the Probable and Wonderful are judiciously observed; whether the Poetic Licences are not either too strong, or stretched too far; whether all the Decorums of good Manners and Morals are exactly kept; whether the Expressions are delicate and passionate; whether all is in its Place, and keeps up its due Character; whether good Sense runs through the whole; and whether all Things are as they ought to be. For nothing can please unless so, according to the great Principle of *Quintilian*: *Nihil potest placere quod non decet*. This is what the Skilful consider, and not external Ornaments, which detain the Ignorant.

If the Works of *Homer* and *Virgil* were lost, I should be very curious to know what others had said of them, who had seen them. But since their Works are in our Hands, to what Purpose trouble we ourselves much, about what *Plato*, *Aristotle*, *Paterculus*, *Plutarch*, *Ælian*, *Bossu*, and *Thomassin* have said of them, they being no Poets? Let us then consider them by the true Rules of Heroic Poesy, and judge of their essential Parts ourselves.

According to the Doctrine of *Aristotle*, *Mambrunus*, *Rapin*, and *Ruæus*; an Heroic Poem is an Imitation of an illustrious and compleat Action, written in long Verse, to stir up Gentlemen to gallant Actions with Wonder and Delight. This Sort of Poem comprehends five main and essential Things. 1. The Action. 2. The Fable. 3. The Characters. 4. The Sentiments. 5. The Expression.

The Action is the Matter and Subject of the Poem. The Fable is the Form and Contrivance of that Action. The Characters are the main End and Drift of the Poem. The Sentiments and the Expression are necessary Ornaments. The Poet takes the Action from the Hero, the Fable from the Rules of Art, the Characters from moral Philosophy, the Sentiments from Logic and good Sense, the Expression from Grammar and Rhetoric.

* *Compar. Hom. Virg.* ch. 16

SECT. II.

The Matter or Action of Homer and Virgil's Poems.

RULE I.

THE Matter of an Heroic Poem is the Subject which the Poet undertakes, and proposes to himself to work upon. Now according to *Aristotle*, *Rapin*, and *Bossu*, this Action ought to have these four Conditions. To be One, compleat, illustrious, and not exceeding the Length of a Year.

1. One, that is, chiefly performed, and in one continued Space of Time, without a perfect Intermission; and moreover, such as cannot be divided into other whole and compleat Actions.
2. Illustrious, and consequently of eminent Men, and in some famous and important Matter too, *res gestæ, regumque, ducumque*.
3. Compleat, to which nothing is wanting of all things that may bring it to the End.
4. Of certain Length, not exceeding the Space of a Year, from the Time where the Poet begins.

Homer's Action compared with the Rule.

Whether the main Action of the *Iliads* consists in the War of *Troy*, as some pretend with *Horace*, or whether in the Anger of *Achilles*, as others with *Bossu* will have it, because the Death of *Heëtor* ends not the War, since the Siege of *Troy* lasted a Year after, it is plainly defective, in that it is liable to be thus controverted. According to *Bossu* it is no Action at all, but a Passion, and a very unjust one too, far from being illustrious; or, if it is an Action, *Homer* himself owns, that it was prejudicial both to his own Country and Party. The Action ought to have a Beginning, a Middle, and an End, says *Aristotle*. But though this Anger of *Achilles* has a Beginning, yet it has neither End nor Middle, says *Rapin*; for it is discarded (adds the same Author) by another Anger of *Achilles* against *Heëtor*, for the Death of *Patroclus*: So that there are two Angers, the one for the Loss of his Friend, the other for the Loss of his Mistress; and what is worst of all, the rest of the Poem has no Connexion with this Anger. *Homer* not minding it in the Space of eighteen Books, as if he had forgot his own Design.

The Action of the *Odyssæa*, (continues *Rapin*, *Comp. Hom. & Virg. chap. 6.*) is not more perfect, than that of the *Ilias*. It begins by the Voyages of *Telemachus*, and ends by those of *Ulysses*. This makes *Paul Beno* to say, that the Fable of the *Odyssæa* is double. In reality, concludes *Rapin*, one knows not what to make of the first four Books. *A la bien prendre, on ne sçait ce que c'est*. So that neither of the Actions are One, Compleat, or Illustrious.

Virgil's Action compared with the Rule.

Though it is granted by all, that the Action of the *Æneis* was equal to the Greatness and Magnificence of the *Roman Empire*, yet is it vicious, and
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mangled, in the Condition we have it, says *Mambrunus*, who has writ both an Heroic Poem on *Constantine* in twelve Books, and a large Treatise of Heroic Poesy. And indeed, as to the Unity of *Virgil's* Action, good Father *Bossu* confesses ingenuously, that it is easier to tell wherein the Unity of the Epic Action consists not, than to say in what it consists. *Du Poem Epic. Book 2. chap. 7.* For some place the Action in the Voyage of *Aeneas*, in Imitation of the *Odyssæa*, others in the War of *Italy*, in Imitation of the *Ilias*.

As to the Compleatness of the Action, both the *Scaligers*, and after them *Perrault*, *Paral. des Anciens & Modern*, 2 vol. hold, that *Virgil's* Action is not compleat nor finished; and all the Ancients held, adds *Joseph Scaliger*, that *Virgil* intended Twenty-four Books, in Imitation of *Homer*. But being prevented by Death, he therefore ordered his *Aeneis* to be burnt, (*ibit ad ignes*) knowing it to be but a Piece of a great Work, unfinished, as the unfinished Verses also demonstrate. This made *Mapheus Vegio* add a thirteenth Book to the *Aeneis*.

I cannot endure, says *Perrault* (in the fore-mentioned Place) that *Virgil's Aeneis* should end at the Death of *Turnus*. It is true, that by his Death, and that of *Amata*, great Obstacles are removed, yet is not *Aeneas* settled King of the *Latins*. The Reader cannot be fully satisfied, to behold the Affairs of *Aeneas* at a stand in so fair a Progress. He wants to see him marry *Lavinia*, and by that Means take Possession of the Kingdom of the *Latins*, without which one may justly question whether it ever came to pass. This Marriage would only have compleated what is but yet begun; it had settled the Foundation of the *Roman* Empire, which is the main Action of the Poem. Thus then, tho' *Virgil's Aeneis* has a Beginning, and a Middle, yet wants it still an End, to compleat the Action.

SECT. III.

The Form and Contrivance of Virgil and Homer's Fable.

RULE II.

THE Fable, according to *Aristotle*, is the chief thing in an Heroic Poem, is the Soul, and Foundation thereof, is the Principle which gives, as it were, Life, and moves all the Springs of that Engine. This Fable and Contrivance consists chiefly in three Points. 1. In the orderly Narration of the chief Action, and of all the Materials that make it up: And this Order is two-fold, Natural or Artificial, beginning by the Middle. 2. In the exact Proportion of the Probable and Wonderful, whereof the first makes it worthy of Belief, and the next of Admiration. 3. In the Marshalling and Coherence of the Episodes, or By-Histories, with the chief Action.

Homer's Fable compared with the Rule.

1. Though *Halicarnasseus*, *Opusc. Critic.* commends *Homer* chiefly for his Fable, yet (says *Rapin*, *Comparis. ch. 6.*) *Homer* manages so little the Probable,

ble, and stretches so far the Wonderful, out of too great a Desire to raise always Admiration, that he leaves nothing to be done, neither by Reason, nor Passion, no nor by Nature, but all is done by Machines. The Gods are employed upon all Occasions, without the least Regard either to their Rank, or to the Peace and Tranquillity of their Condition, *per ambages Deorumque ministeria.* Stat.

If Priamus has lost Hector, Jove must needs send the Goddess Iris his Messenger, to admonish him to take Care of the Corpse of his Son, and to redeem it from Achilles. This Father so tender of his Son, could not he think of it himself? But must have a Machine to put him in Mind that he is a Father. Mercury becomes Priamus's Coachman, to bring him to Achilles, to desire the Body of his Son. And to prevent the Danger of Stragglers coming to the Camp of the Greeks, Mercury casts them all asleep, and prepares the Heart of Achilles by some Feelings of Compassion; nay Thetis, Achilles's Mother, works upon him also, by the Order of Jove. Thus Homer disposes of the Gods, as of so many Personages of the Stage.

2. As to the Mixture of Episodes with the chief Action, they are forced and unnatural. Homer begins his *Odyssæa*, which is his best Poem, says Rapin again, by an Episode of four Books. He strays from his Matter, almost before he is entered into it; and to make a regular Building, he begins by a Piece out of the Work. *On ne sçait ce que c'est*, says Rapin.

3. What Relation has the Wound which Diomedes gave to Mars, to the Anger of Achilles? Homer enlarges much on this Adventure in the fifth Book of his *Ilias*. Mars who weeps like a Child, comes and makes his Complaint to Jove, who smartly jeers him. Yet Pæon the Doctor of the Gods is called to cure him, and the Poet who likes this Passage, stretches it too far. He trifles thereupon, and one would pity him, but that we are prepossessed with the Greatness of his Genius.

4. Homer's Comparisons are cold and forced, but never excellent, says Perault. Was there ever any Thing so ridiculous, as to compare Ajax in the midst of a bloody Battle, to an Ass grazing in Corn? And his Descriptions are both too frequent and too long.

Virgil's Fable compared with the Rule.

Though Monsieur Segrais in his Preface to the *Æneis*, maintains that the prime Beauty of that Poem consists in the wonderful Narration, nevertheless Perault boldly speaks thus: [*Parallel of Ancient and Modern.*] I believe that all Men of Sense, and that are impartial, will think with me, That the Adventure of the Wooden Horse in the second Book *instar montis equum*, is the most childish Part of all the *Æneis*. What! a City which had withstood all the Arts of Greece for the Space of ten Years, lets herself be taken in one Night by a Stalking-Horse! Virgil understood ill it seems the Temper of Ulysses, to think he would shut himself up in that Engine; he was too crafty to do it: And this old Rook, whose Wiles are so cried up by Antiquity, had better Devices how to take Cities. Yet, if we believe Virgil, Queen Dido was charmed with the Story of the Wooden Horse, and so might any Cook-Maid with the Boys and
Pedan

Pedants in the Schools: But never can prove either probable or wonderful to any Man of Sense.

2. *Peletier*, in his *Poetic Art*, says, That there are in *Virgil's Eneis* a great Number of Faults against Probability, and most of them needless too, where he has placed them. What more improbable, than the Golden Bough in the sixth of the *Eneis*.

————— *Latet arbore opaca*
Aureus, & foliis & lento vimine Ramus.

What again more incredible, than the Twigs that sprang out of *Polydorus*, in the third Book?

Forte fuit juxta Tumulus, quo cornea summa
Virgulta, &c.

Are *Don Quixot's* Windmills (turned into Giants in his Brain) more ridiculous and childish, than the metamorphosing of *Aeneas's* Ship and whole Fleet into Sea-Nymphs? in the ninth Book.

————— *Hinc Virgineæ* —————
Redduntur totidem facies pontoque feruntur,
Quæ prius æratæ steterant ad littora proræ.

3. But says again *Perrault* in his *Parallel*, how comes *Neptune* to threaten so severely the poor harmless Wind *Zephyrus*, for the Storm in the first Book?

Eurum ad se Zephyrumque vocat, &c.
Quos Ego, &c.

What Share had he in that Tempest? He that has not the Force to beat down a Tulip, how could he swell up the Sea? He is the Ladies Favourite, and scarce can ruffle a towering Commode.

4. As to *Virgil's* Episodes, *Father Rapin* in his *Reflections on Poesy*, finds Fault with the excessive Length of the Episode about the taking of *Troy*, which contains two whole Books, the second and third of the Poem, scarce pardonable, says he, because they hold out a whole Night. I question not but good *Queen Dido* yawn'd often all the Time, at the Story of *Aeneas's* Adventures; and that's an Observation, adds *Perrault*, which *Virgil's* Commentators have passed by in Silence.

But all Authors have observed two considerable Faults of Achronism and Slander in that Episode of *Dido* in the fourth Book. By the first of false Chronology, he makes that Princess elder by three hundred Years than in Reality she was. By the other of Scandal, he has disgraced the most discreet and virtuous Princess of her Age, as all Historians, Poets and Fathers agree, witness this Epigram of *Ausonius* in *Scaliger*.

Invida

*Invida cur in me stimulaſti Muſa Maronem,
Fingeret ut in me damna pudicitiae, &c.*

And thus has entirely ruined her Reputation in the Mind of all Poſterity. This is both a baſe and unpardonable Fault in *Virgil*, to raiſe the Glory of the *Romans*, by ruining the good Name of a Woman, the Ornament of her Sex; be-
cauſe forſooth ſhe was the Foundreſs of an hoſtile City.

SECT. IV.

Homer and Virgil's Characters of their Heroes, which is the End of Epic Poefy.

RULE III.

THE End of Heroic Poefy being to give Inſtructions by Examples to Per-
ſons of Quality, the Characters of Virtues and Vices muſt be carefully
drawn; the Characters of Virtues, Wiſdom, Courage, Piety, Temperance,
Patience, &c. to embrace them; and the Characters of Vices, Atheiſm, Anger,
Drunkenneſs, Gaming, Luſt, &c. to avoid them. As then Heroic Virtue (ac-
cording to *Ariſtotle* in his *Ethics*) is made up of all Virtues ſo the Character of
an Hero muſt be made up of three Virtues at leaſt, ſays *Boſſu*. The firſt makes
up his characteriſtical and conſtant Virtue; as Piety in *Aeneas*, and Prudence
in *Ulyſſes*, to diſtinguiſh them plainly and at firſt Sight from the other Heroes.
The ſecondary Virtues are only ornamental, as Friendſhip in *Achilles*. The
third is Valour, which is neceſſary and common to all Heroes.

Homer's Characters compared with the Rule.

Though *Horace* thinks *Homer* fitter to teach Morals to Mankind than the Phi-
loſophers of old;

*Quicquid ſit pulchrum, quid turpe, quid utile, quid non,
Pleniùs & meliùs Chryſippo & Crantore dicit.*

And though *Ger. Jo. Voſſius de nat. Poetic. cap. 9.* is of the ſame Mind; yet
Rapin, who ſeems to have examined better *Homer's* good and bad Qualities,
both in his Reflections on Poefy, and his Compariſon of *Homer* and *Virgil*, pre-
tends that *Homer* has not kept the Characters of his Heroes, nor their Manners,
in a due Decorum. And indeed, *Homer*, adds he, repreſents to us hard and
cruel Fathers, weak and paſſionate Heroes, he might have added clowniſh and
butcherly ones; wretched, reſtleſs, quarrelſome Gods who cannot endure each
other.

Ariſtotle in his *Poetic Art*, wills that the Images and Characters which the
Poet makes, repreſent Perſons not ſuch as they really are, but ſuch as they
ought to be, yet the Character of *Achilles* the chief Hero ſeems ill drawn. For
as *Horace* obſerves, though *Achilles* is valiant, yet is he choleric, fierce, violent,
unjuſt,

unjust, he flights the Laws, and puts all his Reason in the Sword he bears by his Side.

*Impiger, iracundus, inexorabilis, acer,
Fura negat sibi nata, nihil non arrogat armis.*

Moreover he is cruel to the Corpse of *Hector*, even to delight in Revenge over it, and by an Avarice without Example, sells to an afflicted Father the Body of his Son. Finally, this Hero of *Homer*, of so great a Name, and so cry'd up in all Ages, is an Abstract of Imperfections and Defaults, *ce Heros est un abrege d' imperfections & de defaults*, says *Rapin*, *Parallel of Hom. & Virg.* c. 4. *Tully* himself speaks against *Achilles's* inhuman Dealing with the Corpse of *Hector*, *Trahit Hectorum ad currum religatum Achilles, lacerari eum & sentire, credo, putat, & ulciscitur, ut sibi videtur.* *Orat. Tusc. lib. i.* What again can be more unworthy of a Hero, than *Achilles's* Zeal against the Flies about the Wounds of *Patroclus* his Friend? *Lib. xix. Iliad.*

I speak not of the other Heroes of the *Iliad*, where Kings and Princes do one another all Sort of base Injuries like Porters, where *Achilles* calls King *Agamemnon* drunken Sot, and impudent Dog's-face. 'Tis not possible that chief Officers were so brutish as to do so; or if that happened, they are Manners too indecent to be put into an Heroic Poem, where Things ought to be placed, for the Instruction of young Gentlemen. Yet, to hear with what Respect good Father *Bossu* speaks of the *Iliads*, one would think he made a Commentary on holy Scripture.

I pass to the *Odyssea*, says *Perrault* in his *Parallel*, where *Ulysses* is such a Medley of Prudence and Knavery, of Heroic and Meanness that 'tis almost impossible to define it well. This Prince, whom *Homer* sets forth as a Pattern of Wisdom, lets himself be made drunk by the *Pheacians*, for which the Poet is blamed both by *Aristotle* and *Philostratus*. But what Extravagance in this perfectly wise Man, to forget so soon his Wife, so virtuous a Princess, and his Son who was so dear to him, to stay so long with *Calypso* a Jilt, and run after *Circe* the famous Sorceress. Had then *Homer* drawn well *Ulysses's* Character, we need not be at a Stand to know whether he was an honest Man, or a Knave.

2. As to the Characters of *Homer's* Gods, this Poet attributes to them criminal Actions, whereof none are capable but the most wicked amongst Men, says *Plato* in *Lib. ii. & iii. de Legibus*. *Tully* also blames *Homer* for giving to Gods the Imperfections of Men, wishing rather that he had given to Men some of the excellent Qualifications of the Gods, *Humana ad Deos transferebat, Divina mallem ad nos.*

Virgil's Characters compared with the Rule.

The main and constant Character of *Aeneas* being Piety, says *Bossu*: What had that Piety of Father *Aeneas* to do in the Cave with *Dido* Queen of *Carthage*? says *Perrault*, [*Parallel of Ancient and Modern*]. A very homely Room to court a Lady in. Nay his pretended Piety at every Turn, may be stiled Superstition, and he rather pass for the Founder of a religious Order, than

than of the *Roman* Empire. 2. *Aeneas's* secondary Sort of ornamental Qualifications are Tears and Pity; but who is able to endure his briny Tears at every Moment, nay twice or thrice in the same Page, and again four Times in a dozen Lines, especially in the first, sixth, and eleventh Books: He weeps at the Sight of Pictures, which represent the Adventures of the Siege of *Troy*.

1. Book. { *Constitit & lacrymans* —
Sunt lacrymae rerum —
Agnoscit lacrymans —

And not only his Eyes water, and shed some Drops of Tears, as the Love of his Country may draw from a Native; but he is all in a Bath of Tears, attended with heavy Sighs and Groans:

Multa gemens, largoque humectat flumine vultum.

This continual Blubbering on the same Account, is not proper to the Sorrow of that Nature. He weeps at the parting, *lacrymans commendat Aestes*; and at the drowning of *Palinurus* his Pilot; nay *Virgil* begins his sixth Book with his Hero's Weeping: *Sic fatur lacrymans*, when he sees *Dido* in Hell, as also for his Wife *Creusa*, and likewise for Prince *Pallas*.

2. Book. { *Lacrymis ita fatur abortis.*
Hæc ubi deflevit.
Spargitur & tellus lacrymis, sparguntur & arma.

And upon sundry other Occasions, where such excessive Tendernefs becomes not either a Hero or his Army. There never was, as I think, such a weeping, blubbering, sighing, groaning, nay bawling Hero, in all History. *Implevi clamore vias*, says he of himself.

But what is yet more intolerable in a Hero, are *Aeneas's* frequent Frights and Fears, Tremblings and cold Sweats, upon all sudden and unexpected Accidents. At the very first Beginning we find him seized with a great Fright in a Storm at Sea, wherein he shakes for Fear.

Extemplo Aeneæ solvantur frigore membra.
Ingemuit. —

In the second and third Books he is frightened with Spirits, at the Vision of which he says of himself:

Obstupui steteruntque Comæ, & vox faucibus hæsit.
Tum vero ancipiti mentem formidine pressus
Obstupui, steteruntque Comæ, & vox faucibus hæsit.
 — *Mibi frigidus horror*
Membra quatit gelidusque coit formidine sanguis.
Tum gelidus toto manabat corpore sudor.

Another but *Virgil* would have given Courage to his Hero, would have made him bold, and undaunted at the Fury of the Winds: and whilst vulgar Souls are dejected, he should have shewed Courage above all Dangers; nevertheless the Poet exposes to the Sight of the *Trojans* an Hero half dead for Fear. These Tears and Frights might be excusable in his Son *Ascanius*, because a Child, but *Aeneas* must not be so childish. No, this Aptness to start and tremble upon all Occasions, seems not Heroic, nor to become the Founder of the *Roman* Empire, and the Father of all the *Cæsars*.

And as for the Courage of *Aeneas*, it may be also justly questioned, from his way of closing the main Action of the Poem: I mean, his fighting with, and killing *Turnus*. Nor is the Valour of *Turnus* more evident: For, when *Turnus* saw all the Eyes of the *Latins* bent upon him, to decide the War by a Duel with *Aeneas*, he bravely answers their Expectation at first, saying:

—— *Hac Dardanium dextrâ sub Tartara mittam.*

—— *Nostro dirimatur sanguine bellum.*

But when, the next Day, they came to agree upon the Conditions of the Fight, how altered is *Turnus* already! He is dejected both in Mind and Body, his Eyes are sunk into his Head, and his Countenance is pale.

*Incessu tacito progressus—demisso lumine Turnus,
Tabentesque genæ, & juvenili in corpore pallor.*

So that he caused the *Latins* to pity him.

—— *Turni sortem miserantur iniquam.*

Though it is not *Virgil's* Business to commend much *Turnus*, yet ought he to look to the Credit of his Hero, who can reap no Honour, by fighting with such a cowardly Adversary. But let us see further.

In the Fight the Sword of *Turnus* breaks:

——— *perfidus ensis*
Frangitur.———

Then *Turnus* runs away, and *Aeneas* follows him. *Turnus* calls for a better Sword, but *Aeneas* threatens Death to any that shall bring one.

Aeneas mortem minatur.

Neither of them act like Heroes, but both cowardly; and *Aeneas* the more basely of the two, because armed Cap-a-pee; nevertheless *Turnus* gets an heavenly Sword at last. Now who will not expect some gallant Action done with it by this King of the *Rutilians*? and what can that Achievement possibly be? Why truly, as if void of all Sense and Understanding, says *Rueus*: *Bonæ, rectæque mentis expertem*, he fairly puts up this miraculous Sword, and takes up a huge, huge

huge Land-mark Stone, which twelve other strong Men were not able to lift up:

—————*Saxum circumspicit ingens,*
Saxum antiquum ingens, —
Limes agro positus, —
Vix illud lecti bis sex cervice subirent.

Turnus dares not fight *Aeneas* hand to hand, but assaults him at a Distance.

But *Aeneas* easily declining the unweildy Stone, run *Turnus* into the Thigh, who falling down disarmed, begged Quarter; yet *Aeneas* kills him, though he conjures *Aeneas* to grant him Life, by the very Ghost of his Father *Anchises*.

—————*Miseri te si qua parentis*
Tangere cura potest, oro, Dauni miserere senectæ.

Though he owns him to be victorious, and resigns up to him *Lavinia* for Wife, *Vicisti, tua est Lavinia conjux*, but all Intreaties are vain to a cowardly Adversary. I know that the Death of *Turnus* is necessary to complete the Action, in case *Virgil* intended to close at the Death of *Turnus*, which many deny. But then he should have brought it so about, as not to destroy the Character which he had given to *Aeneas*.

Here, *Virgil* shews great Want of Judgment both in the Characters of his two chief Heroes, as well as in the Close of the main Action. A judicious Heroic Poet would rather have made *Aeneas* lightly armed, and yet have triumphed over his Adversary, armed Cap-a-pee. What a pretty Thing it is to see *Aeneas* pursue *Turnus*, who runs away as a Child, at the Apprehension of a Spirit; nay, threatens to kill any that shall help *Turnus* to a Sword; thus waving to fight with an armed Man, when he himself is clad with an Armour wrought by *Vulcan*; thus, he declares for a Victory obtained not by Valour, but by Chance and Advantage. I thought one could not oppose to Heroes, Enemies too dreadful; and I have ever heard, that nought but an obstinate Fight could gain a glorious Victory. On the other Side, why does *Virgil* make *Turnus* throw such a huge vast Stone? was he to fell Giants? had he the Terror of the World to fight against? For, *Turnus* it seems is but a Pigmy before *Hercules*.

II. As to the Characters of *Virgil's* Gods call'd Heavenly Machines; what a preposterous Personage *Virgil* makes *Juno* act all along the Poem; but especially in the first Book. She has heard, *audierat*, pretends *Virgil*, (as if she knew not but by Hearsay :) That *Aeneas* was to settle in *Italy*, and there found an Empire, which should destroy her dearly-beloved *Carthage*, *Tyrias olim quæ evertet Arces*: To prevent this, she with godlike Charity, resolves to destroy the *Trojans*, saying to *Eolus*:

—————*submersas obrue puppes,*
 —————*Et disjice corpora ponto.*

Is it possible the Gods can be so angry? And indeed, do not you think that *Juno* grows a little too hot?

I ever thought nothing impossible to the Gods; but it pleased not the Poet to give her either Power or Credit, but only much Passion and Malice to destroy distressed Persons, if she can. What a preposterous Sight to behold the Wife of *Jove* in a petitioning Condition to *Eolus*, and so apprehensive of a Denial, that she proffers him one of her fairest Nymphs *Deiopeia* for a Reward. What would not a God do for such a dainty Piece of Beauty! Whereupon the *Trojan Fleet* had unavoidably perished, had not the God *Neptune* peeped out of the Pool, and left *Juno* vexed with Shame; so little Correspondence is there between *Virgil's* Gods.

Again, continues *Perrault*, is it a Thing proper for *Venus*, to intreat her Husband *Vulcan* to make an Armour for *Aeneas* her Bastard by *Anchises*? to my Thinking 'tis a very impudent Petition. Her Infidelity to her Husband seems something less offensive, than the Impudence of this Suit.

The Close of the main Action of the *Aeneis*, ends also by a Machine, which utterly eclipses all the Glory thereof, and therefore forbid by *Aristotle*. For, whilst *Turnus* and *Aeneas* are fighting, *Jove* sends down such an horrid Fury, that she was able to fright not only a Man, but even whole Cities, *totas territat urbes*. Now this cursed Fury flew to and fro before the Eyes of *Turnus*, and flapped so hard his Shield with her Wings, that sudden Fear seized on the young Prince.

Arrectaque horröre comæ, & vox faucibus hæsit.

Which made *Turnus* reply thus to *Aeneas*, who basely insulted over him:

——— *Non me tua fervida terrent*
Diâa, ferox: Dii me terrent, & Jupiter hostis.

So that King *Turnus* is rather frightened out of his Wits, and overcome by *Jove* himself, than conquered by *Aeneas*.

Could not *Aeneas* the main Hero of the Poem, fight with *Turnus* alone? Man to Man, King to King, Hero to Hero! *Ne Hercules quidem contra duos*; much less than young *Turnus*, against the thundering God, an horrid ghastly Fury, and a conquering Hero. Thus is the pretended main Action spoiled in fundry Respects.

SECT. V.

Homer and Virgil's Sentiments in their Poems.

RULE IV.

HEROIC Sentiments consist in giving to each Person such Speeches, Actions, Manners and Affections, as are proper to their Age, Condition and other Circumstances. They must be, 1. True and Exact; for, Truth is the very Soul of the Thought or Sentiment. 2. Noble, Sublime and Strong, to raise
Ad-

Admiration. 3. Pleasing, which springs from agreeable Objects. 4. Plain from all Obscurity.

Homer's Sentiments compared to the Rule.

Though, both *Longinus* in his *Treatise of Sublime*, and *Rapin* in his *Compar. of Hom. and Virg.* c. 12. agree, That *Homer* is always noble in his Sentiment, as well as in his Expression; yet, as if the latter had forgot himself, he said before, Chap. 8, That *Homer's* Sentiments are never so beautiful as his Discourses; because he minded not so much to think well, as to speak well. One cannot deny but that his Personages speak well; yet, for the most part their Sentiments are unworthy of their Characters. Thus,

In the ninth Book of the *Iliads*, *Agamemnon* complaining to *Nestor* about the Absence of *Achilles*, *Nestor* tells him, that he will give him incomparable good Counsel, and that never any Man since the World stood, gave so wise and excellent. But a Man so wise ought to be more modest: Yet the Counsel he gives, adds *Rapin*, is no great Matter; since it amounts only to pacify *Achilles*, to make him Satisfaction, and so get him to return to the Camp; which any ordinary Capacity might have said.

Again, continues the same Critic, *Antilochus*, *Nestor's* Son, in the twenty-third Book of the *Iliads*, speaks seriously to his Horses, has a formal Discourse with them, and conjures them to do their utmost to overcome *Menelaus* and *Diomedes* in the Course, and Races run, for the Death of *Patroclus*.

Because, says this trifling Orator, his Father will either sell them, or cut their Throats, if they do otherwise.

Perrault, *Parallelle Compar. of Hom. and Virg.* tom. ii. relates Abundance of ridiculous and comical Sentiments, wherewith old *Homer* has stuffed his two Poems. Thus our celebrated Poet says in the first of his *Iliads*, that when it thunders, *Jove* beats his Drum; as when it rains and the Sun shines at once, Children say, The Devil beats his. This seems little worthy either of the God or the Poet.

In the fourth Book, a Shepherd comparing the Beauty of his Mistress, says, She is like to the Flowers of a Meadow, which feed Cows very fat, which give Milk very white, whereof they make excellent Cheeses.

Homer compares *Ulysses* turning in his Bed, and not being able to sleep, to a Gut-pudding, or Sausage, broiling on a Gridiron. Is this worthy of the florid, copious, majestic, nay, divine *Homer*.

In the fourth Book, our great Poet telling how *Menelaus* was wounded in his white Thigh, says, 'The black Blood came out of his Wound, as when a *Median* or *Carian* Woman dyes Ivory into Purple; to make Bosses or Studs to Bridles of Horses. This Ivory is in her Chamber, and several Knights would gladly have it; but they keep for the King this Ornament, which is honourable both for the Horse and the Rider.' The Beginning of this Comparison is true and excellent; for, nothing resembles better to Blood on a fair Skin, than Purple on Ivory: But all the rest is mere Stuff and Nonsense. Methinks this Comparison is made up of three or four Colours; and when ended, I know

not where I am, nor how I find myself with these Boffes, Kings and Knights in a *Meonian* Woman's Clofet, by the Occasion of a wounded Man's Thigh.

Odyſſea, Lib. iii. Prince *Telemachus*, having put on his fine Shoes, he calls his Council, wherein he represents to them, that the Suitors of his Mother eat up his fat Oxen, Sheep and Goats; that he valued it not, if ſuch as they of his Council eat them; becauſe he knew they would pay him well, which is not to be expected from ſuch Gallants; and all this he ſays weeping. What Meanneſs, what Poverty! both in the Poet and the Prince he ſpeaks of.

But the whole Sixth Book of the *Odyſſea* is a dainty Diſh of Mirth, from one End to the other; where the Princeſs *Nauſica*, Daughter to King *Alcinous*, goes to the River to waſh and buck the Cloaths, both of her Father and three Brothers, alledging that the King ſhould have clean Linen at leaſt when he went to Council. *Ulyſſes* awakened at the Noiſe of theſe Laundreſſes, came naked to *Nauſica*, holding alſo a leafy Bough before him to hide his Nakedneſs. And thus they both went on talking together to the King's Palace, where they found the Queen ſitting on the Ground in the Chimney Corner, and ſpinning by the Light of the Fire. There was alſo King *Alcinous* ſitting in his Chair, like a God that ſets himſelf to drink, ſays *Homer*. Then the King asked *Ulyſſes* what his Name was, for every one has a Name, adds gravely that Prince; and during that Supper, he made a long Diſcourſe to *Ulyſſes*, wherein I will ſuppoſe there is Senſe, yet I ſee none. But *Ulyſſes* deſired the King to let him eat his Victuals quietly, for he was indeed hungry, not being a God, ſaid he. Yet was *Ulyſſes* better bred than to eat up all, but nobly carved a Raſher of Bacon, and gave it to the Piper behind him. When we are paſt twelve Years of Age, can one delight in ſuch Tales of ridiculous Heroes, like, or more clowniſh than our common Farmers? 'Twere an endleſs Buſineſs to reckon up all.

Virgil's Sentiments compared with the Rule.

Though *Virgil* is not liable to ſo many Weakneſſes in this Point as *Homer*, yet he forgets himſelf ſometimes, and falls now and then from his uſual heroic Gravity. What think you of this Obſervation which *Ascanius* makes in eating his Luncheon of Bread, on which was his Meat: Ah! we have eat up our Tables. *Book vii. v. 116.*

Heus! etiam menſas conſumimus, inquit Iſlus.

By which Oracle *Aeneas* knew they were at the End of their Trouble. Is this Diſcovery grave enough for a Poem as lofty as is the *Aeneis*? Neither can the Father forbear from ſhewing his Approbation of this his Son's unriddling ſo well the Harpy *Celeno's* Prophecy in the third Book, of eating their Tables,

Ibitis Italiam ———

Sed non ante datam cingetis manibus urbem,

Quam vos dira fames ———

Ambaſas ſubigat malis abſumere menſas. . 257.

I know the ancient Auguries were held as very serious Things by the Heathens : But methinks the resolving thus the Difficulty, is little so.

2. But nothing betrays more either the Meanness of *Virgil's* Sentiments, or the Barrenness of his Invention, than the Sneaking Arrival of the *Trojans* at *Carthage*, in the first Book, whether of *Aeneas* himself, or of his other chief Officers, *Antheus*, *Sergestus*, *Cleanthus*, or the great *Ilioneus*, who all came in begging Addresses to Queen *Dido*;

Troes te miseri oramus——propius res aspice nostras.

Protesting that they landed not to prey in her Country, in an hostile manner as Pirates; because, say they, our Pride and Courage are quite dejected.

Non ea vis animo, nec tanta superbia victis.

A Poet of more generous Sentiments, would rather have brought them (with flying Colours) to *Carthage*, by making them accidentally necessary to that Queen, at their landing; either by rescuing her from the ravishing Hands of King *Iarbas*, a neighbouring Prince, whom she had often baffled in his Pretensions, or from the Danger of some furious Lion (frequent in those Parts) as she is taking the Air; or any other nobler way, to engage Queen *Dido's* Kindness to them.

But if these shipwreck'd *Banditti* came sneakingly to *Carthage*, they go from it as unthankfully. Queen *Dido* out of a royal Generosity opens to them her Ports, admits *Aeneas* into her Palace, repairs his Ships, and heaps upon him all Sorts of Benefits. But, when the perfidious *Trojan* is recruited, his Fleet fitted up, and had got from this generous Princess what he could, then he basely forsakes her; and under Pretence of a Vision, he tells her, 'tis by the Will of the Gods that he departs.

——*Interpres Divum*——

——*celeres mandata per auras.*

Detulit.——

A gallant Man would not have believed so lightly on the Truth of an Apparition.

Scarce had *Mercury* ended his Message, but he takes Leave of the Queen. I know, says he, great Princess, how much I am beholden to you, and it shall never escape my Memory; and were not I forced to obey the Gods who call me to *Italy*: If I could dispose of my ownself---What think you he would do? admire how well he plays the Gallant; doubtless stay at *Carthage*, and live with *Dido*; but no such thing: I would go, adds he, to repair the Ruins of *Troy*, and restore the Throne of *Priamus*:

*Urbem Trojanam primum, dulcesque meorum
Reliquias colerem, Priami, &c.*——

Was

Was there ever seen such a cold Parting from a Mistress since the Days of *Virgil*? Did ever any Man of Wit express such flat Sentiments on such a tender Occasion?

3. May we not also reckon among *Virgil's* Sentiments, the moral Reflection of *Mezentius* to his Horse *Rhæbe*? O *Rhæbe*! we have lived long, if any thing can be said to be long-liv'd to mortal Men.

*Rhæbe diu, res si qua diu mortalibus ulla est,
Viximus.* —

The Sentence is both good and Moral, but I know not why King *Mezentius* makes it to his Horse, as to a rational Creature. 'Tis good Doctrine lost, unless this Horse was descended in a direct Line from *Pegasus*, and had more Reason than others.

4. What a swelling Vanity does *Virgil* put into the Mouth of *Aeneas*, when being near *Carthage*, and asked who he was? He most ridiculously answers,

Sum pius Aeneas famâ super æthera notus.

This is not becoming in his own Mouth, no more than what he said to *Lausus*: Comfort yourself in your Misfortune; you die by the Hand of great *Aeneas*. *Aeneæ magni dextrâ cadis*. Such proud Sentiments of himself, mixt with his Bigotry, are beyond any we can make.

5. I insist not on his comparing the Beauty of *Ascanius* to a Piece of Ivory set in Box; nor a Queen angry, to a Top which Children whip in a Porch; with some few pedantic Notes and Conceits of Wit.

Num capti poluere capi? num incensa cremavit?

SECT. VI.

Homer and Virgil's Style and Expression.

RULE V.

HEROIC Expression, which is the Manner of setting forth noble Sentiments, ought to have these Conditions; 1. To be Proper and Pure. 2. Plain and Clear. 3. Splendid and Lofty. 4. Numerous and Sounding. To which may be added a Fifth, To discern exactly what ought to be said Figuratively, and what Plainly.

Homer's Expression compared with the Rule.

In this Part it is, where all agree, that *Homer* triumphs. *Rapin* observes well, *Compar. of Hom. & Virg. Chap. 9*. That most of the Ancients who have given such Praises to *Homer*, minded only the Elegancy of his Expression; and that it is by the wonderful Talent in the Greek Tongue, that *Homer* charmed all Antiquity

Antiquity and the Learned in all Ages; especially in the Occasions where he goes about to Exhort, Persuade, or to Comfort. Yet is not this Poet altogether free neither, adds *Rapin*, *Cb. 10.* from some small Faults in this Point, arising from human Frailty, or a pardonable Negligence in his Transitions and Epithets.

— non ego paucis
Offendor maculis, quas aut incuria fudit,
Aut humana parum cavit natura.

His Transitions, which by their Character ought to be much varied, to prevent loathing, are all alike in the most Part of his Work; one cannot reckon up above twenty or thirty Sorts at most, in the Space of near thirty thousand Verses. His Epithets and Adverbs make up one of his greatest Beauties; yet are many of them useless and general; as well as his sundry Dialects, to lengthen and shorten the Syllables of his Verses, which would prove a Thing very impertinent in *English*.

Virgil's Expression compared with the Rule.

Though Monsieur *Segrais*, in his *Preface to Virgil translated*, *Numb. xiv.* pretends that *Virgil's* Expression is magnificent, even and pure, to such a Degree, that no other ever attained to; though *Rapin* also pretends that *Virgil's* Words are Things, *Compar. Hom. & Virg. Chap. 13, & 11.* Yet *Victorius*, the chief Critic of *Italy*, in his *Comment on Aristotle*, and *Balzac* in his *Oeuvres Diverses*, both accuse *Virgil* of mistaking Words the one for the other, and to be less Pure and *Latin* than *Lucretius*.

If it be true that Obscurity is the greatest of all Faults in Matter of Style, I know not how *Virgil* can be excused, or pass for a Writer in Hundreds of Passages in his *Æneis*. For Instance, Did any one yet ever understand what *Virgil* means, at the latter End of the sixth Book, by these following Verses?

*Sunt gemini Somni portæ : quarum altera fertur
Cornea, quâ veris facilis datur exitus umbris :
Alterâ, Candenti perfectâ nitens Elephantis ;
Sed falsa ad cælum mittunt insomnia manes.
His ubi tum natum Anchises unaque Sibyllam
Prosequitur dictis, portaque emittit eburna.*

Either this is Nonsense, or it signifies that all what *Æneas* saw in Hell, is but a mere false lying Dream. One would think that, having taken Pains to shew what should be the glorious Posterity of *Æneas*, he intended now to destroy the Belief thereof.

Clarity being the first Virtue of Eloquence: *Prima est Eloquentiæ Virtus, perspicuitas. Quint. Lib. ii. Cap. 3.* good Sense requires that we think always clearly, and express ourselves the same: Else the Sublime, Wonderful, and Pleasingness signifies but little, or rather nothing pleases that is not understood, and where we are in a continual Fog, Mist and Darkness. I question much whether

those we understand not, understand themselves, if they were compelled to explain their Meaning, as the famous *Lopé de Vega* ingenuously owned to *Camus* Bishop of *Bellay*, that he understood not himself one of his own Sonnets.

Brevity, says *Horace*, is a great Occasion of Obscurity. *Dum brevis sum, obscurus fio.* It often happens, that with binding up Things too close, we choke or stifle them, as we may say. So that a Thought is obscure, when not enlarged out so far as it ought; as in a Geographical Map, where the Towns, Rivers and Hills are crowded together. This I judge to be the frequent Occasion of *Virgil's* frequent Obscurity. For most Critics look on *Virgil* with our excellent Mr. *Dryden*, 'as a succinct, and grave, majestic Writer; one who—was still aiming to crowd his Sense into as narrow a Compass as possibly he could. For which Reason he is so Figurative, that he requires (I may almost say) a Grammar apart to construe him. *Virgil* therefore (adds he) being so very sparing of his Words,—and leaving so much to be imagin'd by the Reader,—is much the closest of any Roman Poet.' Again, '*Virgil* studying Brevity, — some have called him the Torture of Grammarians.' *Dryden's* Preface to the second Part of the *Miscellanies*. Add to this plain, though indirect Confession of *Virgil's* Obscurity, *Ruæus's* Translation of all his Works into *Latin* plain Prose, for a more general Assistance against the said Obscurity.

Methinks the Words of Spits, Kettles, Pans, Garbage and Grease, are very mean, yet are they as frequent in the *Æneis*, as in our Kitchens.

*Tergora diripiunt costis, & viscera nudant,
Pars in frustra secant, verubusque trementia figunt.
Littore abena locant alii.
Subjiciunt verubus prunas, & viscera torrent.
——pingues spatiantur ad Aras.
Pingue superque oleum fundens ardentibus Extis,
Pars calidos latices, & abena undantia flammis.*

Lib. i.
Lib. v.
Lib. iv.

Here is enough to turn a squeamish Reader's Stomach. But good Father *Bossu* tells us, that such Kitchen-stuff Expressions are savoury to the Holy Ghost. *Tout cela étoit au goût de S. Esprit même, qui n'a pu l'avoir mauvais. Tra. du Poem Epic. l. 6. ch. 8.*

Though it is allowable to stretch the Hyperbole beyond the Bounds of Truth, yet ought it not to pass those of Probability, as *Virgil* does in describing the Nimbleness of *Camilla*.

*Ille, vel intactæ segetis per summa volaret
Gramina: nec teneras cursu læsisset aristas:
Vel mare per medium, fluctu suspensa tumentis,
Ferret iter; celeres nec tingeret æquore plantas.*

I question much whether in an Heroic Poem, one may make a Princess run over Ears of Corn, without bending them; over the Waves of the Sea without wetting the Sole of her Foot.

Again,

Again, our Laureat Poet tells us, that *Marcellus* was so valiant, that none could withstand him, whether he fought on Foot, or whether he prick'd the Shoulders of his Horse with his Spurs.

— *foderet calcaribus armos.*

'Tis unsufferable, that to make an harmonious Verse, a Poet shall say, That a Gentleman spurr'd the Shoulders of his Horse, instead of his Sides.

Some accuse *Virgil*, and with Truth, of repeating over not only the same Things, but the very same Verses also, as these before quoted.

Obstupui, steteruntque comæ, Et vox faucibus hæsit.

Lib. ii. 774.

Obstupui, steteruntque comæ, Et vox faucibus hæsit.

Lib. iii. 48.

He has also his Tautologies of Letters, and Rhymes, as,

— *Talia dicta dabat,*

Nesquam ommittebat, oculosque sub astra tenebat.

Consider well these Expressions, and tell me wherein consists their Elegancy? Is it in their snarling Syllables? or in their hissing Harshness?

— *Inveſta rotis Aurora rubebat.*

— *Nec quæ pepegere recusant.*

Non Teucros agat in Rutulos, Teucrum arma quiescant.

Et Rutulum —

Diffiluit, fulva resplendent fragmina arena.

The C L O S E.

FROM all that has been said, I think I may safely infer, That the Complete Heroic Poem is yet unborn; That the Ancients have made but coarse Draughts of this Sort of Poesy, and that it is reserved to the Moderns to set the last Hand thereunto, for Invention, Form and Contrivance, Characters and Sentiments; though, for Expression, they will ever come short, because the modern Languages are far inferior, to the *Greek* especially. Besides, that the Rules of the Epic Poesy are better understood now a Days than ever before; since the famous Contest of *Torquato Tasso*, with the Academy of *Florence*, about his Poem of *Jerusalem Delivered*, of which the eloquent *Balzac* said well, That in this Kind of excellent Writing, *Virgil* is the Cause that *Tasso* is not the first; and *Tasso*, that *Virgil* is not the only. *Discours sur la Tragedie d'Herode par Heinsius.*

Though the Party against *Homer* and *Virgil* is the least, 'tis neither the less strong nor the less rational. And I am apt to believe, that notwithstanding *Casaubon's* Curse: *Qui Homerum contemnunt, vix illis optari quidquam pejus potest, quam ut fatuitate sua fruantur. Casaub. Dissertat. de Homero,* it would become victorious over the other, if the Necessity we are in, to put *Homer* and *Virgil*

into the Hands of Youth, for their rare Expression in *Greek* and *Latin*, did not make them deal favourably with abundance of Things, which otherwise they would condemn.. *Alcibiades* therefore was in the right to box that Master in whose School he found not *Homer's* Works *Apothegm. Principim in Plutarch.*

Let therefore *Homer* and *Virgil's* Poems be confined to the Schools, where *Evangelus* in *Macrobio* thinks them only proper *instituendis tantum Pueris idonea. Saturnal. Lib. 1. C. 24.* for their excellent Language, for their proper, clear, natural, sublime, and numerous Expressions: But not appear at Court, nor be put into the Hands of such Scholars as wear Swords by their Sides, and hold a Commander's Staff in their Hand. Finally, let Authors commend as much as they please all *Homer's* Books and Cantos single and by themselves, because most of them contain abundance of Wit and much Delight: But as for a curious Contrivance of an Heroic Poem, and a regular Œconomy of an epic Fable, as I see none, I cannot much commend them to the Perusal of Gentlemen, says *Perrault. Compar. of the Ancient with the Modern.*

A short History of the last Parliament. By ----- *Drake*
M. D. 1699.

The INTRODUCTION.

THE honourable Conclusion of the late War with *France*, to the great Mortification of his Majesty's Enemies, the Satisfaction of his Friends, and the Admiration of all Men, must thankfully be acknowledg'd as chiefly owing to his Majesty's great Wisdom, invincible Courage, and inflexible Resolution. By his Courage he rekindled the decaying Fire of this warlike People, taught them by his Conduct, and provoked them by his Example to equal the Atchievements of their valiant Forefathers, and thereby restored to *England* the ancient Reputation of her Arms. But by his Wisdom he procured us an Honour we never could before pretend to; he made *England* a Match for *France*, as well in the Cabinet, as in the Camp; and gain'd by a wise Treaty more than by Arms had been won in the Field. For any Potentate to unite many States and Princes disagreeing in Interests, Inclinations or Religion, in a strict Confederacy against a common Enemy, and to preserve that Alliance unbroken for many Years together, notwithstanding the great Losses those Allies sustained, and in Despight of all the Attempts of foreign and domestic Enemies to dissolve their Union, must be acknowledged by all the World, as the Effect of a refined and masterly Judgment: Yet this Honour, which perhaps has no Example, is by the Confession of all, due to his Majesty, who was the only Center in which so many various Lines could meet, the only Head which such differing Interests could confide in, as capable to direct them in a Juncture of Time, when the Liberties of all *Europe* lay at Stake.

We

We are likewise greatly indebted to the Bravery and Fidelity of his Majesty's Fleet and Army for our present Peace, and the Blessings that attend it. It must be owned to their great Honour, that our Officers and common Men, as well by Land as by Sea, notwithstanding any Disappointments they at any time met with, did on all Occasions show a Courage and Resolution equal to that of their warlike Ancestors a Courage that became the Subjects of such a Prince and such a General; a Courage worthy of the noble Cause in which they were engaged; the Preservation of their Religion, Laws and Liberties. And therefore no Praises can be too high, nor can any Rewards consistent with the Publick Good for which they fought, be looked on as too great for Men who have merited so much of their Country.

And yet it must be confessed that so great a Prince and so great a General at the Head of such brave and loyal Men, could never have been able to have brought a War with such a potent Adversary to a happy Issue, had not the Parliament of *England* concurred with him, and stood by him with so much Constancy and unanimous Affection. 'Tis therefore to these worthy Patriots that we owe, in a great Measure, our present Security, and the Establishment of our Laws and Religion. The People of *England* ought to have a due Reverence and Affection for their Representatives in Parliament, and to maintain their Honour even when in distempered Times it should happen, that they acted some Things against the public Good, not only because they are a Part of our Constitution, but likewise that particular Part which the People have entrusted to look after and manage their Interests; for should the People desert their Representatives, they would be *Felo de se*, and one Day run a Hazard of losing that Part of their Constitution.

And if it be the Duty and Interest of the People not to despise, or run down indifferent, or bad Parliaments for the Reasons mentioned, what Applauses, what Expressions of Affection and Gratitude are due to good ones? and indeed if any of our Parliaments ever rightly understood, and zealously pursued the true Interest of their Country, those that have been called and sat since the happy Revolution, must be allowed with the greatest Justice to have merited that Character. If to have stedfastly adhered to the Interest of *Europe* against a common Enemy; if to have chearfully supplied his Majesty with the Sinews of War, to enable him to carry it on with Vigour; and by such Ways and Means as were least burdensome and uneasy to the People; if to have discerned and prevented the greatest Dangers that could threaten a Nation; to have conquered Difficulties of State of the highest Nature, and to have persevered so many Years, thro' an obstinate Zeal for the Good of their Country; to support his Majesty 'till his Arms had procured an honourable Peace, and thereby established our Government, our Religion and our Property: If this be to have deserved well of the *English* Nation, the Parliaments I have been speaking of have at least equalled the Glory of their greatest Ancestors.

Their Love to their Country, and Capacity for publick Business have appeared in a very eminent Manner: 'Tis easy and pleasant to sail in good Weather before the Wind; but to steer true and steady in a Storm, to beat it against the Wind amidst Rocks and Shelves on either hand, and to make the Port at last in Safety, this must be allowed to be a Master's Work. These Parliaments therefore

therefore, and particularly those among them who had the chief Direction of Affairs, having like wise and careful Patriots, done so much in their hard Station toward bringing Matters to this successful Issue, must deserve all the grateful Returns that can be from their Country.

Their Honour is the more particular, inasmuch as Men of great Capacity for Business of State, are so very rare: For it may be truly said, that a thousand Men are born in this Kingdom fit for Arms, to one that has Solidity of Judgment, Quickness of Apprehension, Compass of Thought, and Clearness of Sight proper for the Management of publick Affairs.

What has been said of the several Parliaments assembled since his Majesty's Accession to the Throne is more eminently true of the last; which pursued the Designs of the former with the greatest Skill, as well as the warmest Zeal. This august Assembly had the hardest Task imaginable upon their Hands, and to give an impartial and succinct Relation of their principal Proceedings, of the wise Measures they took to remove the Evils we felt, and to prevent greater which we fear'd; and to find sufficient Supplies for the carrying on the War, 'till at last they had the Satisfaction to see it issue in an honourable Peace, is the Design of the following Papers.

———DRAKE, M. D.

A Short History of the last Parliament.

WHEN this Parliament first came together, they found themselves engaged in Variety of Business of great Nicety, and most important Consequence.

To maintain our new Settlement after the late happy Revolution, we had a War upon our Hands with a mighty Prince; who, by his naval Strength, as well as by the Number and Discipline of his Land Forces, by the Wisdom of his Counsels, and his constant Successes, was grown the Terror of all *Europe*. This potent Monarch protected the Person, and espoused the Quarrel of the late abdicated King; and looking on his Honour and Interest alike concerned, used his utmost Efforts by Arms to re-enthroned him. And notwithstanding *England* had hitherto, with great Resolution and Alacrity, borne the Weight of this heavy War to preserve all those Advantages: that is, whatever is dear to an *English* Freeman and a Protestant, which were procured by their late Deliverance, yet some of the wisest and clearest-sighted among those who were hearty Friends of the Government, grew diffident of the Event. They questioned our Ability to support ourselves under so burdensome and expensive a War, while the Enemies of our Settlement were insolently sure of overturning it. 'Tis true indeed, we had, at the Head of the Government, one from whom we might expect all Things that with Reason could be hoped for, from the Courage and Conduct of a wise Prince, and an accomplished General; one who to protect a Nation which with so much Glory he had before delivered, freely and frequently expos'd his Life, as if it had been the Life of a common Man, to all the Dangers of the Sea, and all the Hazards of Battle by Land; and who the Year before, by his Reduction of the important Fortress of *Namur*,
in

in the Sight of almost all the Power of *France*, had struck a Damp upon our Enemies abroad, and rebuk'd the Confidence of the Malecontents at home. But notwithstanding the Nation might with the fullest Assurance rely upon his Majesty for every thing that could be ask'd, or expected from the greatest Prince, and most watchful Father of his Country, yet the People could not be without their Fears lest he should one Day fall by the Hands of *Saul*, and the Kingdom be crush'd by the disproportioned Power of our Enemies. They doubted whether the Nation, tho' ever so willing, would be able to grant to his Majesty the necessary Supplies for carrying on so necessary a War.

But besides what we had to apprehend from a formidable Foe abroad, we had a great deal to fear from our treacherous Enemies at home. For tho' the Body of the Nation was infinitely pleased with the late Revolution, and thankfully acknowledg'd the invaluable Benefits that attended it, yet a considerable Number were impatient of their Deliverance, and raved at the Restitution of our Liberties and Religion. Our warlike *David* found his most dangerous Enemies were at home, if not of his own Household. The whole Body of the Papists were his Enemies, and the Reasons of their Enmity are too obvious to mention. Besides these, a great Number of moderate Protestants, and such as were the Creatures and Dependants of the late Government, and had embarked in, or wished well to the glorious Design of enslaving and ruining their native Country, Men of arbitrary and tyrannical Principles, fix'd and settled in their Hatred to the Constitution of our Government, and the Liberties of the *English* Nation, these, and many others that did not find their Account and particular Interest in the present Settlement, became its Enemies, and by open or clandestine Ways, endeavoured to streighten or subvert it. These Men were very zealous to deliver us from our Laws and Liberties, and to restore us to the Privileges of our *Egyptian* Burdens. The ungrateful Murmurs spoke of stoning the *Moses* that rescued them; and unable to bear their happy Deliverance, with Threats and Violence demanded their heavy Tasks and their old Oppressors. These Men, according to their different Posts and Tempers, in different Ways, assisted the foreign Enemy.

All Arts and Methods tho' ever so base and unworthy, which Wit quicken'd with Malice could invent, were employed to weaken the Reputation of the Government. Sometimes they flew openly upon it with bitter Investives, sometimes they secretly stabbed it with malicious Suggestions and sly Insinuations. They traduced all that were in publick Employ, and exposed them to Contempt; they worried their Names with base and groundless Calumnies, attributing many of our Misfortunes not to be foreseen, and therefore not to be prevented, to the Treachery or Negligence of our most faithful and vigilant Ministers. And 'tis no wonder these fierce Creatures fastened so greedily on the Characters of our greatest Ministers, when his Majesty himself, who had merited as much as any Prince ever did of his People, could not escape their disloyal Reflections.

They were very fond of propagating any ill Tidings, or false Reports, that might any way lessen the Credit of our Administration, increase the Fears of the People, and cool their Affection to the Government; what unnatural and savage Joy did they express when they heard of any Losses that beset the Nation; which they cruelly aggravated, and with no less Zeal they diminished and slighted

sighted the Advantages we at any time obtained: They could by no Means dissemble the secret Pleasures they felt, when they had any fresh Hopes of seeing their Country speedily undone. *England*, as before mentioned, being engaged in a War with *France* for the Preservation of the late happy Settlement, great Supplies were absolutely necessary to enable his Majesty to sustain the Force of a Kingdom, which by their own wise Administration, and the Supineness of *England* in the late inglorious Reigns, was grown so potent, that now it required a longer Sword to resist than heretofore to conquer it. And for this Reason, without the least Flattery, his Majesty has acquired more Honour by controlling the Power of *France*, than any of his great Predecessors did by subduing it. The Parliaments therefore resolving to carry on the War with Vigour, were obliged to lay great Taxes on the People, tho' not greater than the Necessity of Affairs required; and the War continuing so long, they could not be insensible of the Burden. Of this the Malecontents took the Advantage, and represented in all Companies, that the Government must of Necessity sink under its own Weight, and that our heavy Taxes, by reducing us to extreme Poverty, would inevitably prove our Destruction. They never ceased declaiming on this popular Subject, and galling the People in this tender Part; hoping to make them weary of a Government which was represented so burdensome; and at last, persuade them rather to let in the Deluge, than to be at the Expence of maintaining their Banks.

Besides these Adherents to the late King's Interest, there were others, who, tho' great Assertors of the late Revolution, and averse enough to a second, yet, from I know not what private Disgusts, personal Quarrels and Disappointments grew sour and uneasy; and to express their Resentments in all Conversation, endeavoured to bring our Administration into Contempt; they were for breaking the Confederacy, and against raising such large Sums of Money for carrying on the War; they were for distressing and streightning the Government, but not for overturning it. They were willing it should continue, but they were for clogging its Wheels, that it might move heavily; in short, they were against all things that the known Enemies of the Government were against; and for all things which they were for, unless the overthrowing of the present Settlement, and the Restoration of the late King; that is, they were for all the Means that would certainly bring about the End, but not for the End itself. However, under this plausible Pretence of declaring against great Taxes, and by other popular Oppositions, they thought to recommend themselves to their Country, as great Patriots; tho' at the same time, the greatest Enemies the Government had, in this Respect, as good a Title to the Favour of the People, whom they would gladly have delivered from their Taxes, and thereby have eased them of the Means of their Preservation.

The Proceedings of these Men were of all others the most absurd and unaccountable, and the Opposition they made seemed to be the Effect of some strange Infatuation. The best Apology that can be made for them is, that they were guided by a false Notion of Popularity; and supposed that the Character of a Patriot was, without Distinction of Times or Persons, to be ever against the Court, and in all Cases whatsoever. Notwithstanding these Men could not but be sensible, that the Preservation of their Religion, Laws and Liberties, was in-

inseparably interwoven with that of the Government; that the Face of Affairs was so far alter'd by the late happy Revolution, that the Interest of their Country was plainly the same with that of the Court; which appeared as well by the Opposition that was made to it by all those whom these Men themselves ever looked upon as the greatest Promoters of Popery and arbitrary Power; as by the Principles of Liberty by which the Government was brought about, and on which it must always stand; notwithstanding this was a Government of their own seeking, and than which they could never expect any other more favourable to them, either in their civil or religious Interests; notwithstanding all this, such a Satisfaction it was to thwart a Court, such a Pleasure to express a private Resentment, and by the same Act to be thought popular, that these Men to the Admiration of all, and with the secret Derision of their new Friends, endeavoured what they could to make the Government uneasy.

Moreover, at this time another Difficulty lay heavy upon the Nation: Our current Coin had many Years before began to be clipp'd, a Mischief which of late had been secretly carried on and promoted by the Enemies of the Government, and the dangerous Consequences of it not being heeded or willfully neglected, and therefore no Remedy being applied, our Money was now become so far diminished and debased, that the Nation suffer'd unspeakably by it, both in carrying on the War, as well as our Commerce. The Cure of this Evil could no longer be delayed, without apparent and inevitable Ruin. The Adherents to the late King, and the disaffected to this observ'd it with inconceivable Joy. They were very confident the Government must unavoidably split on this Rock, and that this single Mischief was enough to sink it; and tho' the Friends of the Government and their Contry (I call them so, because the Interest of both are now so inseparably united, that 'tis impossible to be one without being the other) were fully convinc'd that this Grievance ought to be redress'd, yet how to effect it in such a Conjuncture, without bringing the Nation into the utmost Confusion, was enough to puzzle Men of the deepest Reach, and greatest Capacity.

Our Enemies abroad, after the glorious Success of his Majesty's Arms the last Campaign in *Flanders*, grew very diffident of the Issue of the War. After this Blow which wounded them in so sensible and tender a Part, they expressed by their Behaviour and Language, how much their Hopes of subduing us by Force were abated; they could not but foresee, that if his Majesty could appear in the Field the next Summer in the same Circumstances as he did the last, it would be very hard, if not impossible, for them to oppose his Arms. To prevent this, they had two Things to wish and promote; one was to embroil our Affairs by creating Mutinies at home, the other to ruin our Credit, and thereby disable us from carrying on the War abroad. The first they hoped would be effected by the ill State of our Coin; for to neglect that Disease, or to attempt its Cure, they judg'd would alike produce such intestine Disorders as would prove our Destruction: And as to our Credit, they judg'd, that if by any Means that of the Bank of *England* could be destroy'd, which was then the great Support of the Nation, and was by Experience found to be so the following Summer, when it contributed so much to the Support of our Army, at a Time when the Bank itself labour'd under the greatest Streights, it would be

impossible for us to maintain our Army abroad; and for this Reason they engaged their Friends in *England* to employ themselves with the utmost Diligence, to aggravate the Inconveniencies of not recoinning our Money if that should be neglected, or to embarrass and entangle as much as they were able, the Methods of recoinning it, in case that should be agreed on, and thereby make it grievous and insupportable; and in case any Miracle should happen, that this great Business should be accomplished without the Confusion that was expected to follow, they were instructed to leave no Stone unturned, whereby they might hope to destroy the public Credit, and particularly that Branch of it that remained most entire, the Bank of *England*. If either of these Designs, and much more if both succeeded, they were well satisfied it would be impossible for the King to appear in *Flanders* the next Spring in that formidable Manner he did the Year before. In this Posture our Affairs stood, and indeed this Business of the Coin was such a complicated, and almost inextricable a Mischief, that notwithstanding this Parliament, as will appear in the Sequel of this History, appeared a most wise Assembly, and did Wonders for the Preservation of the Government, and their Country; yet it may be perhaps allowed, that some unfitting and unwary Steps were made, when they first entered upon so delicate and intricate an Affair; and indeed the Novelty, as well as the Nicety of it, was such, that it was their Honour they made no more, if indeed they made any. It is not certain, that if according to some Resolutions, the Silver Money had been all called in at once, and then paid out as fast as recoinced, according to the respective Appropriation, we should not have run into the greatest Confusions; for it is not easy to tell how the smaller Necessities of Life and Commerce among the People could have been maintained, had the Money been called in all at once, or how the new Money should have freely circulated, had it been all paid out as appropriated; for it seems that the monied Usurers, and the Goldsmiths, must of Necessity have received the far greatest Part, who were not likely to part with it without great Advantage: And if these had been the Consequences, it is plain the Nation could by no means have subsisted; and as some Men apprehended, that had the Parliament proceeded in these Steps, this Confusion would have followed; so they were afraid, that if the second Bank, that was intended to be set up, had been established, it would have proved so great a Diminution of the Credit of the former, that it had been impossible to have supported our Army in *Flanders*; and if that had been the Consequence, we must have been contented with what Terms of Peace our Enemies would have been pleased to give us.

Whether these Resolutions would have produced these Effects which many apprehended, is not certain, they being never put into Execution; but this is certain, that if these Measures were wrong, the Parliament soon after recovered themselves, to their great Honour; for even then when they found themselves perplexed, and almost oppressed with their hard Affairs, yet such was their Zeal for the Service of their Country, such their Courage and Resolution, that they broke through all their amazing Difficulties, and made the Way to a prosperous Conclusion.

Besides, at this Time though it is plain by the Event, that the Nation had Treasure enough to support the War, yet the Ways of coming at it were grown very

very difficult. The former Parliaments chose rather to establish Funds for public Supplies, than to use any Methods of raising them within the Year; divers Branches of the King's Revenue were by his Majesty's own Consent, subjected to great Anticipations, and the most easy and obvious Funds were already settled, and sufficiently loaded; so that by the Continuance of the War, it became much harder for this, than for the preceding Parliaments, to find out Ways to defray the Charge of it.

This was the Posture of Affairs when this memorable Parliament first sat down. These were the complicated Diseases under which the Nation laboured, when these Physicians of State met together to consult about proper Remedies. Now to judge right in such nice and perplexed Cases, and to extricate a Kingdom from such various and pressing Difficulties, is a Task worthy of wise and great Men; and when it is duly considered what Condition this Parliament found the Nation in, what hard Work lay before them, and how they surmounted the frightful Difficulties they had to contend with, whereby they defeated the Hopes and Expectations of their Enemies, and settled the Nation in Peace and Tranquillity, it can't but raise in us a mighty Esteem of their Love to their Country, as well as their Courage and great Capacity.

His Majesty having finished the Campaign in *Flanders* 1695, no less to his own Honour than the general Satisfaction of his People, arrived in *England* the 14th of *November*, where he was received with as loud Applauses, and as great Demonstrations of public Joy and Affection, as have been expressed on any Occasion. He met the Parliament on the 22d Day of *November* following; and at the Opening of the Sessions, both Houses with great Zeal and Unanimity, in a very loyal Address to his Majesty, congratulated the Success of his Arms in *Flanders*, and his safe Return to his People; in which they likewise assured him of their steadfast Resolution to support his Majesty and his Government, against all his Enemies at Home and Abroad; and effectually to assist him in the Prosecution of the present War.

The great Thing this Parliament had to do, and which they undertook with great Alacrity, was to find out Ways to discharge the Expence of the War, and to carry it on with Vigour, till they could bring it to a safe and honourable Conclusion; this they were resolved to do with the utmost Care and Application. But at the same time, to shew their Zeal for the Ease of the People who chose them, and the Security of their Lives and Estates, before they so much as entered upon any public Business, a Bill was brought into the House, and read the first Time, for regulating Trials in Case of Treason and Misprision of Treason; where many Things which the People complained of as grievous, were removed or mitigated. This Bill in a short time past both Houses, and was one of the first that received the Royal Assent this Session: By which gracious Condescension his Majesty was pleased to let his People see, that he was as ready to contribute every thing in his Power, for the Ease and Safety of his Subjects, as they were every thing in theirs, for the Support of his Majesty and his Government. About the 2d of *December*, the House of Commons voted a Supply for carrying on the War, and proceeded to proportion it according to the Estimates relating to the Navy, Army and our Allies. They endeavoured all that was possible to raise the Supplies they had voted, by such Ways and Means as might

might keep the People from being querulous and uneasy. And notwithstanding the Lands of *England* had all along borne so great a Share of the public Charge, and that now there might be a greater Pretence than in former Parliaments, to ease the Landlord; yet the House resolved not to spare themselves, but taxed Land four Shillings in the Pound. They were contented to share the Expence of the War, and chose rather to burden themselves than their Tenants, acting in this like wise Generals, who to encourage their Troops, and engage their Affection, put them upon no other Hardships than what themselves are most forward to undergo.

About this Time the Parliament entered upon the great Affair of the Coin; and whether it was necessary or expedient to recoin the Silver Money, was the first Question. The Arguments were indeed weighty on either Side. The Reasons against calling in and recoining our Money were, that this was no fit Conjunction for it. That the Nation was engaged in a burthensome and doubtful War, by which the Kingdom had already greatly suffered, and of which it grew every Day more sensible. That therefore the People, on whose good Affection the Government so much depended, should not be provoked by fresh superadded Grievances, greater than any they had yet felt, as those would certainly be, that must arise from calling in our Coin. That if this was done, however Things might be managed and accommodated at home, it was impossible to maintain either our Foreign Commerce, or our Foreign War; for neither the Merchant could be paid his Bills of Exchange, nor the Soldier receive his Subsistence. That this therefore was to lay the Axe to the Root, and to dig up the Foundations of the Government. That if this Design was prosecuted, Trade must stand still for want of mutual Payments, whence such great Disorders and Confusion would certainly follow, as would discourage and dishearten the People in the highest Measure, if not drive them to a perfect Despair. That therefore the recoining our Money at this Time, was by no means to be attempted without hazarding all.

It was alledged by those of the contrary Opinion, that the Mischief would be fatal, if a present Remedy was not found out and applied. That by reason of the ill State of our Coin, the Change abroad was infinitely to our Prejudice. That the Supplies that were raised to maintain our Army would never attain their End, being so much diminished and devoured by the unequal Change and exorbitant Premiums before they reached the Camp. That this was the unhappy Cause that our Guineas were mounted to thirty Shillings; that therefore, to our great Loss, all *Europe* sent that Commodity to this profitable Market; and would continue to do so, till we should be impoverished and undone by our Plenty of Gold. That we must exchange for their Gold, our Goods or our Silver, till at last we should have only Guineas to trade withal; which nobody could think our Neighbours would be so kind to receive back at the Value they were at here. That therefore this Disease would every Day take deeper Root, infect the very Vitals of the Nation; and if not remedied, would soon become deplorable. That our Enemies would sooner be induced to agree to honourable Terms of Peace, in case they saw us able to surmount this Difficulty, by the retrieving the ill State of our Coin, on which their Hopes of our speedy Ruin so much depended. That it would justly create a mighty Esteem abroad of the Greatness

ness and Wisdom of the Parliament of *England*, which was able to conquer such an obstinate and almost insuperable Evil, in such a Juncture of Affairs. That our Enemies must be mightily intimidated by so great an Action; and that it would be natural for them to conclude, that nothing would be impossible for a People, who were able to disengage themselves from such an intricate Mischief, and get above Difficulties that were looked on as invincible.

This Matter being fully debated, after all their Deliberations, the Parliament resolved to call in and recoin our Money, looking on it as an essential and capital Point, that required, as certainly it did, their immediate Application, and utmost Care. They resolved to do it at any Rate; and to use all imaginable Endeavours to make it as easy to the People as it was possible for such a Remedy to be. They chose rather to run the Hazard of some great Inconveniencies, by attempting the Cure, than by their longer Neglect of it, to expose the Kingdom to apparent Ruin.

This Step being made, the next was to consider, whether the several Denominations of our New Money should have the same Weight and Fineness as the Old, or whether the established Standard should be raised? And this Question produced many Debates.

Those who were for raising the Standard, argued thus: That the Standard of our coined Silver ought to bear Proportion to Silver in Bullion. That the Price of an Ounce of Silver Bullion was advanced to Six Shillings and Threepence; and therefore the Standard ought to be raised to an Equality. That the raising our Standard would prevent the Exportation of our Coin, which had been much practised, to the great Prejudice of this Kingdom; that it would prevent its being melted down; and Men would be encouraged to bring in their Plate and Bullion to the Mint.

Those who were for preserving the old Standard in our Coin, urged that the Worth of Money was relative, and to be rated by the Measure of such Goods, Labour, Advice, Skill, or other Assistances, as could be purchased from another by our parting with it. That the Value of Money among People that lived under different municipal Laws was intrinsic, and consisted in its Weight and Fineness. That common Consent had given it this Value, for the common Conveniency of supplying one another's Wants. That the Weight and Fineness was the only Worth that other Nations regarded in our Coin, or we in theirs. All Money being between Subjects of different Governments, of no greater Value, excepting the Workmanship, than so many Pieces of uncoined Bullion. That therefore should our Standard be altered, we should still be upon the same Foot with our Neighbours; for if we were to pay them for their Goods, or exchange our Money with theirs, whatever Denomination we gave our Money, they would in their Change, ever reduce it to an Equality with theirs, and proportion the Quantity and Goodness of their Commodities to the Weight and Fineness of the Money they were to receive for them. That therefore in respect of our Foreign Commerce, there was no Reason to alter our Standard. And at home, they said, that if the Standard was raised, great Confusions would attend it, the Landlord would be defrauded of a great Part of his Rents, and the Creditor of his Debts. That the Seamen and the Soldiers would be wronged in their Pay, &c. and many the like Injuries and Inconveniencies would happen: That it was no Answer to say, they might buy as much

much Goods and Conveniencies of Life with this Coin raised above its Standard, as they could before; because, by Degrees, the Seller would infallibly raise the Price of his Goods in Proportion to the new raised Standard; and that of this there was an Instance before them, all Commodities being greatly raised in their Price, while Guineas were paid for Thirty Shillings. That whereas it was alledged that the Price of Bullion was risen to Six Shillings and Three-pence, and therefore the Standard of our Silver Coin ought to be raised likewise; it was replied, that it was a Thing impossible that the Price of Silver could ever rise and fall in respect of itself; that it was an unchangeable Truth, than which no Mathematical Demonstration could be clearer, that one Ounce of Silver would be ever worth another Ounce of the same Fineness, and no more, allowing some inconsiderable Disparity upon Account of the Coin, if one Ounce be in Money, and the other Ounce in Bullion. That it was true indeed, that the People commonly gave Six Shillings and Three-pence for an Ounce of Bullion; but they gave only clipt Pieces, that had no more than the Name or Sound of Shillings and Pence, but were by no Means the Things themselves. That is, they were not the Standard Shillings of due Weight and Fineness, and so were no more Shillings in the just Sense of the Word, than an Ell is an Ell when the third Part of it is cut off, or two Halves of a broken Yard are each of them a whole one. That the Case was so plain, that when they demanded of those that affirmed an Ounce of Bullion was worth Six Shillings and Three-pence, Whether they meant Six milled Shillings and Three-pence? they knew not what to reply: For this Alteration of the Value of Bullion was merely in relation to the diminished Money. And to make it yet more evident, they urged that it was then Matter of Fact, that with Five Shillings and Two-pence of new mill'd Money, they could buy as much Bullion as they pleased, while those who bought it with clipt Pieces paid Six Shillings and Three-pence. That whereas it was urged, that the raising the Standard would prevent the Exportation of our Money, it was replied, That there was no other Way possible to keep our Money at Home than by out-trading our Neighbours; that is, by sending them more Commodities, or of greater Value, than those we received from them; for if so be, upon the Ballance of Trade, we were found in their Debt, there was no Way left but to pay it in Coin or Bullion; and that therefore whatever Denomination we gave our Coin, we must be necessitated to send it Abroad, if the Commodities we exported could not pay our Debts. That all the other Arguments for raising the Standard would sink to the Ground, in case these Two, on which the rest were built, had no reasonable Foundation. After the Debates on this Subject, the House came to a Resolution to recoin the Money according to the old Standard, both as to Weight and Fineness. And to make it more easy to the People, they voted a Recompence for the Deficiency of the clipt Money.

When the Parliament undertook this sower and knotty Piece of Work, they were not insensible of the Inconveniencies that would arise from it; the principal of which, and the Spring of most of the rest, would be a Cessation of Payments, and thereupon an Interruption of Commerce for Want of the Circulation of our Money during its Recoining. This trading Nation could not live, unless this vital Current was constantly maintained; and our Gold alone was not sufficient

sufficient for that Purpose. To obviate this Evil, which must have been fatal had it not been prevented, was enough to try the Skill, and stretch the Imagination of the ablest Statesmen. 'Twas plain, *England* could not subsist unless some Expedient was found out to support its Trade, till the new Money returned from the Mint; and to hit of such an Expedient was, indeed, a very difficult Task. They therefore agreed to call in the Money by Degrees; that while some Denominations of Coin were suppressed, others might be current, hoping that before the last old Money should come in to be recoin'd, so much of the New might circulate from the Mint, as might sufficiently answer the Necessities of the Nation. But this Expectation was partly defeated by the Backwardness of the People to receive any old Money, though allowed at present to pass, apprehending at last it would be left upon their Hands at a great Loss, partly from the Slowness of ReCoining in respect of the People's Wants, though otherwise dispatched with all the Expedition imaginable in so great an Affair, and partly by reason of the unequal intrinsic Value between the new mill'd Money, and those Pieces or Denominations of the Old which were allowed to be current, and in which Payments were usually made; for while the hammer'd Money, and Pieces not clipt within the Ring, were permitted to pass for the present Necessity of Trade, nobody was willing to make Payments in new Money, which so much exceeded the Old in its intrinsic Worth. And therefore the new Silver Money as fast as it issued from the Mints and the Exchequer, was in a great Measure stop'd in the Hands of the first Receivers; for none were disposed to make Payments in the new Silver Coin at the old Standard, when they could do it in clipt Pieces so much below it. And those who had no Payments to make, kept their new Money as Medals and Rarities in their Chests; and there is too much Reason to believe, that at first a great Deal of the new Money, by Help of the Melting-pot, went Abroad in Ingots to purchase Gold, which at that Juncture was a very profitable Commodity in *England*.

And though the Parliament lowered the Value of Guineas, as shall be afterwards mentioned, hoping by that Means to bring out the new Money into Circulation, yet by the Artifice and Managery of some Men, the People were made to believe that the Value of Guineas would be raised at the next Session, upon which Abundance of Men that had great Sums of Guineas in their Chests, kept them close there, in Expectation of their being raised in Value, when the Parliament should come next together. By this Means, though the Circulation of the new Money was a little promoted, yet that of Guineas, by which we then chiefly subsisted, was quite obstructed; this golden Coin, which was before incredibly frequent, vanished on a sudden; and the new Silver Money too, the Value of which the People were persuaded to believe, would be advanced the next Session, was for that Reason in a great Measure hoarded up, to the great Damage of our Commerce; for by this Means the Nation was reduced to very great Straits, especially in their Payments of foreign Bills.

The Parliament about this Time took into Consideration the lowering the Value of Guineas, to which the People had raised them. The Reasons against sinking their Value were, That the People were easy and pleased with it, and it would raise a great Disturbance and Clamour in the Nation, to fix them at a lower Price. That Abundance of People would be Losers in whose Hands the
Guineas

Guineas should be at last found. That the Farmer and common Tradesman, who now all abounded with Guineas which they received at Thirty Shillings, would not bear such a Loss. That therefore it ought to be considered, how far it was fit to incense the common People in this Juncture of Affairs, who had already suffered so much by the War.

Those who were for reducing the Price of Guineas argu'd, That there was as great Reason to bring down Guineas, as there was to recoin the Silver Money at the old Standard; and here they reckoned up the Mischiefs mentioned before on that Head: That however, the Parliament were obliged to manage by the Necessity of Affairs, and to suffer for a Time the Guineas to pass at that excessive Rate, that in some Measure there might be a Currency of Money, while the Mints were employed in new coining the Silver; yet now they were obliged to sink the Price nearer the old Standard, that the Silver Money might not be stoppt and hoarded up as fast as issued out from the Mints. And whatever Losses and Inconveniences the People might suffer by the reducing of Guineas, yet the Mischiefs that arose, and would daily increase from not doing it, did infinitely over-balance those on the other Side. Upon this the House resolved to lower the Price of Guineas; and that they might do it with less Grievance and Disquiet to the People, they chose to sink them by Degrees, till at last they reduced them to the State they are now in, that is, That they should not pass in Payments for above Twenty-two Shillings; that by this Means Guineas being brought near to an Equality with our new Silver Money, the Circulation of the last might not be obstructed; and the Event answered the Expectation.

But notwithstanding all the Care which the Parliament used to provide against the Mischiefs they foresaw were likely to follow, yet many great Inconveniences were unavoidable: And, one Evil arose during recoinage the Money; that is, a general Loss of Credit, which indeed shook the State; but this likewise was cured by a most seasonable and wise Remedy, which the Parliament applied in their second Session. So that at last this great Undertaking of the highest Difficulty, yet of absolute Necessity, was happily accomplished. In this Affair the Parliament shewed such Wisdom, such Care of the Public, such unbroken Courage and Resolution in undertaking and carrying on a Business of this Importance, and incumbered with so many and such great Obstructions, that no Patriots ever merited more of their Country, none having ever rescued it from greater and more apparent Danger. By restoring our Coin, they restored Health and Strength to a Nation under the worst Symptoms in the World. They restored the Honour of the *English*, confirmed the shaking Government, and laid the Foundation of that honourable Peace which after ensued, and which we now enjoy.

And those worthy Gentlemen who made the greatest Figure in this Parliament, and had the chief Direction of this particular Affair, must be allowed to have shewn a great Capacity, and a masterly Judgment, as well as a just Regard to the Good of the People, and therefore no Votes in their Favour, no Praises and Thanks from their Country, can be thought too much for those who have so well deserved them.

No

No Part of the *Roman* History gives a Man a greater Image of that noble People, than that which relates the Presence of Mind, the unshaken Constancy, and the wise Conduct, which the Senate shewed after the Loss of the Battle of *Cannæ*: To be incapable of desponding, even in Extremity of Affairs; to wind themselves out of such intricate and pinching Straits, and at last to weather Difficulties which seemed insuperable; this cannot but create a great Opinion of their Wisdom and Resolution.

Some of his Majesty's implacable Enemies finding themselves disappointed the last Year in *Flanders*, and being impatient to wait the Event of another Campaign, betook themselves to the most wicked and most dishonourable Means of accomplishing their Designs.

Upon the 24th of *February*, the King came to the House of Lords, sent for the Commons, and having passed what Acts lay ready for the Royal Assent, in a gracious Speech he acquainted both Houses, that he had received several concurring Informations of a Design to assassinate him; and that at the same Time the Enemy was very forward in his Preparations for an Invasion of this Kingdom. That he had given Orders about the Fleet, and sent for such a Number of Troops as might secure the Kingdom from any Attempt; that some of the Conspirators against his Person were in Custody, and that Care was taken for apprehending the rest. It is not necessary to give a long Relation of this Conspiracy, a short Account is thus.

Several of the late King's Adherents, not without the Consent, Encouragement, and Direction of the late King and his Ministers, had formed a hellish Conspiracy against the Life of his Majesty. The Conduct and Execution of this horrid Villany was committed to Sir *George Barclay*, who had formerly been a General Officer, and was then in *France*, an Officer in the late King's Guards. This Gentleman-Ruffian undertakes the barbarous Business; and for the accomplishing of it, departs from *St. Germain's* about the tenth Day of *December* for *England*, where he arrived about the Beginning of *January*. Before him, with him, or after him, about twenty more of the late King's Guards, who were embarked in the same bloody Design, and who had all Instructions to obey the Orders of Sir *George*, came into *England*, where in a short Time they engaged about as many more in the Conspiracy. Several Consultations were held, and several Ways were proposed where, and how to assassinate the King's Person, and at last it was agreed that they should execute their Design on a *Saturday* as his Majesty returned from *Richmond*, whither he used to go on that Day, to take the Diversion of Hunting.

The Place agreed on was the Lane between *Turnbam-Green* and *Brentford*, through which the King was to pass after his Landing at *Kew-Ferry*, and to avoid Suspicion, they were to go out of Town in small Numbers to the Inns in *Turnbam-Green*, there to stay till they had Notice that his Majesty's Guards appeared, and then they were to mount, and in a Body to march to the Lane, where some were to attack the King's Person, and the rest in the mean time were to engage the Guards. The Day for executing this horrid Deed was at hand, when Mr. *Pendergrass*, who had been newly made acquainted with the Design, and seemed to consent to it, though indeed he only complied with it, till he could gain the fittest Opportunity to discover it, went to my Lord *Portland*, and disclosed to

him this important Secret. By whose Means his Majesty's Life was preserved from the Violence of the Conspirators, and that fatal Stroke most happily prevented; which must have been attended with all the terrible Calamities that Fear itself is able to represent.

Both Houses of Parliament were greatly alarmed at the News of this barbarous Conspiracy, and being satisfied that the Welfare of the Kingdom entirely depended on the Safety of the King's Person, they joined in an Address to his Majesty full of Loyalty and the warmest Affection; wherein they congratulated the happy Deliverance of his Royal Person, gave him Thanks for imparting to them the horrid Design of assassinating his Majesty by Papists, and other disaffected Persons, and of the intended Invasion from France. Humbly desired his Majesty to take more than ordinary Care of his Person at this time, assured him that they would stand by, assist and defend his Majesty with their Lives and Fortunes against all his Enemies, and that in case he should come to any violent Death (which they begged God to prevent) they would revenge the same upon all his Majesty's Enemies and their Adherents; told his Majesty they would give all possible Dispatch to publick Business, and desired him to seize and secure all Persons, Houses and Arms, that he might think fit to apprehend.

On this Occasion the House of Commons, for the Security of his Majesty's Person, entered into an Association in these Words. *Whereas there has been a horrid and detestable Conspiracy formed and carried on by the Papists, and other wicked and traitorous Persons, for assassinating his Majesty's Royal Person, in order to encourage an Invasion from France, to subvert our Religion, Laws and Liberties, We whose Names are hereunto subscribed, do heartily, sincerely and solemnly profess, testify and declare, that his present Majesty King William is rightful and lawful King of these Realms, and we do mutually promise, and engage to stand by and assist each other to the utmost of our Power, to the Support and Defence of his Majesty's most sacred Person and Government, against the late King James and all his Adherents; and in case his Majesty come to a violent or untimely Death (which God forbid) we do hereby farther, freely and unanimously oblige ourselves to unite, associate and stand by each other, in revenging the same upon his Enemies and their Adherents, and in supporting and defending the Succession of the Crown, according to an Act made in the First Year of King William and Queen Mary, intituled, An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown.*

They ordered at the same time a Bill to be brought in, That when it should please God to afflict these Realms by the Death of his present Majesty, the Parliament then in being should not be dissolved thereby, till the next Heir of the Crown, according to the late Act of Settlement, should dissolve it. And if there is no Parliament then in being, the last preceding Parliament shall immediately convene and sit; and it was done accordingly. By this wise Act, as the Parliament provided against that Confusion and Disorder that might happen by the Cessation of Parliaments, and all Commissions on his Majesty's Decease, so nothing could have been imagined more effectual for the Security of the King's invaluable Life, against the implacable Malice and Violence of his Enemies, seeing by this Means all Hopes of Escape and Impunity were cut off, in case they should succeed in their hellish Attempt. They likewise addressed his Majesty to
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issue out his Royal Proclamation, to banish all Papists from the Cities of *London* and *Westminster*, and ten Miles from the same, according to the Laws made for that Purpose; and likewise, that he would please to give Instructions to the Judges going the Circuits, to put the Laws in Execution against Papists and Nonjurors.

By these Proceedings and prudent Provisions for the King's Safety, the Parliament equally expressed their unalterable Loyalty to his Majesty, and their tender Care and Vigilance for the Happiness of the People; it being as clear as Noon Day, that had not his Majesty by the gracious Providence of Heaven, been delivered from this hellish Design, the greatest Calamities and Desolation must have overwhelmed the Kingdom, that ever befel a miserable People: And it is very observable, and must be taken Notice of, for the Honour of this Parliament, that amidst all their Zeal for securing his Majesty's Life, on which all our Happiness depended, they expressed that Lenity and memorable Regard to the Liberties of the People, that they passed no new and extraordinary Law for the Conviction of the Conspirators, as Men in such amazing Dangers might have been provoked to do for the Preservation of the Government; but they mercifully left them to stand or fall by the known Laws which were then in being. And it is very remarkable, that one of the Persons tried for this Conspiracy, was the first that had the Benefit of the Law that was beforementioned to be made this very Session to regulate Trials in Cases of Treason.

There is but one single Instance that seems to contradict the universal Extent of this Observation; and that is the Case of Sir *John Fenwick*, which happened in the second Session of this Parliament; yet neither in that Case was any new Law made for the Trial of the Criminal by the Judges in inferior Courts: But the Parliament thought fit to make use of the Legislative Authority, and to proceed against him by Bill of Attainder, which nobody questioned their Power to do. That Government would be defective in its Constitution, and incapable of defending itself, that had not a Power lodged in it to reach a Criminal in an extraordinary Case, by an extraordinary Manner. Neither could the Legislative Power be looked on as under the same Restraints, Limitations, and Forms of Proceeding, which the Judges, who are entrusted only with the executive Part of the Law, are obliged to observe in the ordinary Courts of Justice. The Questions therefore in this Case, seemed to be only these two, Whether the Parliament had sufficient convincing Grounds to believe the Prisoner guilty of the Treason of which he stood accused; and in the second Place, Whether this was a Case of that extraordinary Nature, and that Importance, as required this uncommon Way of Proceeding by Bill of Attainder. As to the first Question, all the World, as well as the Parliament, thought there was sufficient Reason to believe the Prisoner guilty; But whether the Evidence was in all Forms and Limitations, such as the Law required for convicting the Prisoner before the Judges in inferior Courts, was out of the Question; The Parliament, as was said before, being not tied up in their legislative Capacity to the Rules and Restraints by which the inferior Courts were obliged to act. And as to the second Question, Seeing the Prisoner had so notoriously prevaricated with the Government, seeing there was such a vehement Presumption, that one of the Evidences was drawn off, and absented himself

by the Management of the Prisoner's Friends, to elude the Law in the common Course of it; and seeing the Crime wherewith he was charged, was of no lower Nature than the Dethroning of his Majesty, and the Subversion of the Government, the Parliament believed it a Case so extraordinary and of such Consequence, as sufficiently warranted this uncommon, though not unexampled Way of Proceeding.

These were the chief Transactions of this Parliament in their First Session, those of the Second come now to be related.

The great Deficiencies of the Funds settled by Parliament for the Service of the Year 1696, and particularly the unhappy Project of the Land-Bank proving wholly abortive, and not producing one Penny, of above two Millions and a Half, with which it was charged, were likely to have proved fatal to our Affairs the following Summer. This Disappointment involved the King in so many great Difficulties Abroad, as well as Home, that no clearer Demonstration could be given of his Majesty's wise Conduct, or of the Fidelity and Affection of his Army, than his finishing this Campaign with so little Disadvantage. His Majesty's more discerning Friends could not but tremble, to think on the hard Circumstances our Army was in; and how dangerous the Issue was like to prove; while the Enemies of the Government were all overjoy'd at the hopeful Prospect of our sudden Ruin. But to their great Mortification his Majesty, whose Spirit was never broken by the greatest Difficulty; who never wanted Presence of Mind in the most surprizing and pinching Exigencies, by the Assistance of divine Providence weathered this Storm; and having put his Army into Quarters, returned in Safety to meet his Parliament.

The Parliament came together the twentieth Day of *October*, and after they had, in a loyal and most affectionate Address, assured his Majesty, that though they had borne so many Years the great Burden of the present War, yet they were most stedfastly resolved never to desert his Interests, or be wanting to their Country, till by his Majesty's Arms they should obtain a safe and honourable Peace. They entered with great Chearfulness upon the Business that lay before them, which indeed was very great.

The principal Evil which this Parliament had to remove, was the Loss of public Credit. For the Tallies struck on Funds settled by Parliament, especially such as were remote, were exchanged for ready Money at a mighty Loss; and the Government was obliged to make excessive Discounts and Allowances, to bring Treasure into the Exchequer. This great and almost fatal Loss of Credit arose chiefly from two Springs, the Deficiencies of parliamentary Funds, and the Recoinage of our Silver. The First made Trust and Confidence, as the Last made Money to be very scarce.

This Loss of Credit was so great, that unless it were restored, it was not possible for the Government to continue much longer: The Notes of the Bank of *England*, which had been a mighty Help to the Public, were discounted at Twenty, Tallies at Forty, Fifty, or Sixty *per Cent*. The Government had contracted a mighty Debt, and some Funds were wholly taken away, and the rest proved deficient; great Numbers of Tallies had no Funds at all, and the rest were on Funds very remote. Hereby the Trust and good Opinion of the People was so far lost, that those few who had any Money to lend, shewed the
greatest

greatest Backwardness imaginable to advance it for the public Service; and therefore all Loans to the Government, as was said before, were procured on most immoderate Premiums, and exorbitant Discounts.

This Decay of public Credit created the greatest Confusion and Disorder in the World; our Affairs seemed reduced to Extremity, and the Government was looked on to be at a Stand. All Men were at a Gaze, and stood wondering what the Parliament would do; what Measures they would take in such perplexing Difficulties, scarce believing that the Wit of Man was able to find out any Remedy, or propose any Expedient that could be effectual in removing so great a Mischief. Those who were for galling and streightening the Government, had now the wicked Satisfaction of seeing it sufficiently distressed; it not being possible that our Affairs could be more embarrassed than they were in this Conjunction.

To revive public Credit was therefore a Thing of the last Necessity for the Preservation of the Government; but as the wisest Men without Door were at their Wit's End how to accomplish it, so the Malecontents were certain, that this Evil was never to be cured; and therefore looked upon the Government as near its End, gave it up as desperate, and triumphed in the Expectation of a sudden Revolution.

But this great Parliament being fully sensible that the Restoration of our Credit was a Point of capital Importance, instead of being discouraged by the Difficulty of effecting it, they were rather animated to undertake the Work with greater Zeal and Application; as if they looked on nothing which was necessary to be impossible; and resolved at any Rate to find out Means to preserve their Country, and break through all Opposition, how great soever it should appear, to confirm and secure our happy Establishment.

The Parliament was very sensible, that one great Spring of this Mischief was that mentioned before, the Deficiencies of several Aids and Duties which neither had been, nor ever would be sufficient to answer the Principal and Interest charg'd upon them. That these Deficiencies, and the Remoteness of the Course of Payment of the Tallies, were the true Reasons why the Owners of such Tallies were frequently necessitated for the procuring of ready Money, to dispose of and exchange them at a great Loss. By which Means the publick Credit was extremely weakened, our Commerce interrupted, and other public and private Affairs exceedingly perplexed. The Parliament therefore took this great Affair into their serious Consideration, and in order to the Cure of this grievous Wound, which began to ulcerate and eat into the very Heart of the Government, they resolved to search it and lay it open to the Bottom.

This they did by ordering an Estimate or Computation to be laid before them of what Sums were, or would be wanting to satisfy and discharge all Principal and Interest due, or to become due, on the several Aids, Duties, or Funds, over and above all Arrears standing out upon them, which were determined, and over and above all Monies to be raised by such as were then unexpired; and the Computation of all the particular Sums that were wanting to make good all the deficient Funds being made, the whole amounted to Five Millions One Hundred and Sixty Thousand Four Hundred Pounds, &c. The Parliament now having got to the Bottom of the Disease, resolved on a thorough

rough Cure, by making Provision for the Payment of the whole Debt. They were perfectly convinced, that to cure a Part was no way to cure the Disease, and restore Strength to the Whole. Had some Deficiencies been taken Care of, and others neglected, public Credit must have continued lame; and the Government must still have halted, if it had not fallen to the Ground. That therefore the Remedy might be adequate and commensurate to the Evil, the Parliament found out a general Fund which might secure the Payment of the whole Five Millions, &c. That so there should remain no Tally without a Fund, nor any Tally on a deficient Fund, but what in its Course of Payment should be satisfied and discharged. For this End they continued divers Taxes and Duties after the Day on which they would otherwise have expired, to the First Day of *August*, Seventeen Hundred and Six, and appointed all the Monies which should arise, and be brought into his Majesty's Exchequer, from any of these Taxes or Duties, from the Day on which they were otherwise to expire, to the said First Day of *August* One Thousand Seven Hundred and Six, to be the General Fund for making good all the deficient ones, by the Satisfaction and Payment of the Principal and Interest due, or to become due thereupon. And that all Occasion of Complaint might be removed, and equal Provision might be made for all, the Parliament directed, that all Monies arising from the Duties so as before continued and appropriated for a General Fund, should be distributed and applied to pay Principal and Interests upon every one of the deficient Funds, in just Proportion to the Sum of which they were deficient. And that all the Money which should be in such a due Proportion distributed or placed to the Account of each deficient Tax and Fund for the Discharge of Principal and Interest, should be issued or paid out to all who were entitled to receive the same, in such Course and Order as if the same were Monies really arising by the respective and deficient Funds, and that without being diverted, misapplied, or postponed; and the Officers of his Majesty's Treasury were to incur great Penalties in Case this Method or Order were not observed. And to remove all Doubts about the Security intended to be given, in Case on the First of *August* Seventeen Hundred and Six, or within three Months then next ensuing, the whole Produce of the several Funds and Revenues appropriated for a General Fund, together with other Grants then in being, should not be sufficient to discharge the Sum of Five Millions, &c. intended to be discharged; that then what was deficient should be made good out of such Aids or Revenues as should be granted in the next Session of Parliament.

Thus the Parliament found out a Security sufficient to discharge this great Debt that lay so heavy on the Nation, which was not only a Stroke of admirable Wisdom, but likewise such a noble Act of public Justice, as perhaps cannot be equalled in the Story of any Nation. Money at that Time was not in being, and therefore not to be had; and a sufficient Security was all that could be demanded or expected? and this was very happily provided for, wherein a due Regard was had to the particular Interest of every Man concerned. And for as much as all the Branches of public Credit did plainly depend on, and mutually support one another, the Parliament took into Consideration, by what Means they might restore the Credit of the Bank of *England* which was then at a low Ebb.

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In Order to this the Parliament agreed, to augment and enlarge the common Capital Stock of the Bank of *England*, by admitting new Subscriptions, which new Subscriptions, should be made good in Tallies and Bank-Notes. The Proportion was four fifths of the first, and one fifth of the last, and an Interest of eight *per Cent.* was allowed, as well for all such Tallies as should be brought in to enlarge their Stock by new Subscriptions, as for those Tallies which the Company was then possessed of, provided they did not exceed the Value of those Bank-Notes which should not be paid in upon this Enlargement of their Stock; and for securing the Payments of this Interest of eight *per Cent.* the additional Duty on Salt was granted and appropriated. The Time likewise of the Continuance of the Bank of *England* they thought fit to extend to the Year seventeen hundred and ten; and upon this Encouragement a Million was subscribed and paid in Tallies and Bank Notes, as the Parliament had directed. This Expedient was projected with all the Prudence imaginable; and tho' many Persons who were interested in it could not presently apprehend the Reasonableness of it, yet the Advantages they have since received, have fully convinced them that no other Way could have been found out to have retrieved their sinking Credit; for the Value of two hundred thousand Pounds in Bank-Notes being sunk by the new Subscriptions, the rest, as it was reasonable to believe they would, began presently to rise in Worth; and so likewise did the Tallies, after so many as amounted to eight hundred thousand Pounds were paid in to augment the Bank. And the Owners of the rest have a great deal of Reason to wish that they had sunk the Remainder also the same Way; for had that been done, this great Work had been accomplished at one happy Stroke. The whole five Millions had in a Moment been taken off from the Government, and thereby a Disease that was judg'd incurable had been intirely remov'd by a single Application. For upon this, the Credit of the Bank began to recover apace, till in a short time their Notes were all equal with, and their Bills that bore Interest better than Money. By this Means the Face of Affairs was in a short time much chang'd for the better, Credit began to revive, Money to circulate on more moderate Terms; foreign Exchange was less to our Disadvantage, and soon after at an Equality. The People began to think better of their Condition, and were more convinc'd of the Wisdom of our Administration, and the Care that was taken of them; and whatever Hardships they had undergone by Reason of a long War, and the recoinage our Money, which, could not but occasion many Complaints, yet the greatest Part attributed this to the Necessity of our Affairs, and began to hope, that by the Care and Wisdom of the Government they should soon enjoy more favourable Times.

Besides this of the great Loss of Credit, another Evil of no less Difficulty or Importance remained still to be removed, and that was the great Scarcity of Money. The Parliament to prevent Disappointments by settling Funds which might be deficient, came to a Resolution, that the Supplies for the Service of the Year following, should be rais'd within the Year; and they voted those Supplies in Proportion to the Estimates laid before them. But this Resolution of Parliament seem'd a thing quite impracticable. How could five Millions be raised within the Year, while the Silver Money was called in and recoinage, and there was not current Coin enough in the Nation to answer the Occasions
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of Trade, and scarcely the Conveniencies and Necessities of Life? The Enemies of the Government made themselves merry with this Vote of Parliament, and instead of being the Occasion of their Anger, 'twas the common Subject of their Raillery, and the Entertainment of their pleasant Humour. And many even of the best Friends of the Government imagined that the Parliament by this, rather expressed their Zeal and Willingness, than their Ability to support the State. They had no Way to satisfy themselves in this Point, but by relying upon the Wisdom and great Capacity of the Parliament, for whom they believed nothing was too hard, and who they hoped would conquer this Difficulty because they had master'd so many others before, which were looked on as no less invincible. Neither were their Hopes in this Matter disappointed, for the Parliament had recourse to an admirable Expedient in this pressing Exigency, and found out a Way of raising Money, in a Juncture when no Money was to be had. Other Parliaments have been able to raise great Sums of Money when the Defence of their Country required it, but it was the particular Honour of this to have been able to make it. They created Money without Bullion, and distributed great Quantity of Coin without Help of the Mint. This they did by authorizing the Lords of his Majesty's Treasury to issue out Bills from the Exchequer to the Value, first and last, of above two Millions; which Bills were first appointed to be brought in and sunk upon the common Duty commonly called the Capitation Tax; but before the Session ended, the Parliament was convinced by the first Collection of that Duty, that it would prove very deficient; and therefore they appointed the Exchequer-Bills to be brought in on any other of the King's Duties or Revenues, excepting the Land-Tax; and allowed an Interest of seven Pounds, twelve Shillings *per Annum* upon the said Bills, which at first was not given. The Parliament by this laid a good Foundation for Paper Money to supply the Place of our Silver Coin, which was call'd in to be new made; for so many Payments were at this time to be made into the Exchequer, that when the People had Assurance given them that the Exchequer Notes should be received back again in Payment for the King's Duties, they were very well satisfied to take them, at first indeed at a small Discount, but not long after at an Equality. A great Number of these Notes were only for five or ten Pounds, which answered the Necessities of Commerce among the meaner People, for the common Conveniencies of Life. And that those who had advanced Money in Loans on any Part of his Majesty's Revenue, might not be obliged to receive it back in Notes that were under the Value of Money, to strengthen the Reputation of these Bills, the Parliament authorized the Lords of the Treasury to contract with any Corporations or Numbers of private Men, and to allow them a competent *Premium*, provided they obliged themselves to exchange these Notes for ready Money when tendered to them for that Purpose; which the Lords of the Treasury did accordingly.

By this Means the Credit of the aforesaid Notes was mightily secur'd, and daily arose nearer to Par, 'till as at this time they exceeded the Value of Money, and whereas the Trustees contracted with to exchange them for Money, were before as a *Premium* allowed ten *per Cent.* they have been since contented to do it for Four. By this Means Trade and Commerce were maintained; and with-

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out Silver we had an artificial Treasure circulating thro' the Kingdom, which so well answered the Design of the wise Projectors, that by the Confession of those very Men who at first inveighed sharply against it, it proved an effectual tho' a Paper Prop to support the State, when its Silver Pillars were for a time removed. We were sailing in bad Weather, and our Main-Mast was brought by the Board; and 'tis very plain, that unless this Jury-Mast of Exchequer-Notes had been presently made and set up in this Stress of Affairs, we must unavoidably have sunk and perished.

These Bills past in Payments as so many Counters, which the People were satisfied to receive, because they knew the Exchequer would receive them again as so much Ready-Money. These State-Counters so well supplied the Place of Money 'till new Coin was issued from the Mint, that Trade was preserved, and mutual Payments well enough made to answer the Necessities of the Government and the People; and by this Means the Parliament had the Honour to accomplish another Work that was judg'd impossible.

The Parliament likewise this Session, to the great Satisfaction of the People, took care to remedy the publick Grievance of long standing. Several Places in and about the City of *London*, which in Times of the *Romish* Superstition were allowed as Sanctuaries to Criminals and Debtors, had ever since the Reformation pretended a Privilege to protect the last; and one of these was a notorious Nest of broken and desperate Men, in the very Heart of his Majesty's capital City whither they resorted in great Numbers, and to the Dishonour of the Government and Grievance of the People, defended themselves with Force and Violence against the Law and public Authority. The Parliament took care to redress this inveterate Mischief, and what was long expected from others, was effected by this, in an Act intituled, *For the more effectual Relief of Creditors in Cases of Escapes, and for preventing Abuses in Prisons, and pretended privileged Places*. Wherein such effectual Provision was made to reduce these Garrisons of Out-Laws, that immediately after the Act was published, they abandon'd their Posts, and deserted in such Numbers, that their old Haunts became a Desolation, and lay open to receive better Inhabitants.

The Summer after this Session of Parliament, his Majesty being at the Head of his Army in *Flanders*, his Enemies, even after they had opened the Campaign with the taking of *Aeth*, thought fit to enter into a Negotiation of Peace, which was begun and carried on at *Ryswick* by the Plenipotentiaries of all the Princes and States concerned, and thro' the good Disposition of the principal Parties to so great a Work, the Treaty was concluded, and a Peace ratified the *Autumn* following; to the accomplishing of which, his Majesty's Presence in *Flanders* mightily contributed. The Management of this famous Negotiation, and the favourable Terms on which it was concluded, were no less to the People's Satisfaction than to his Majesty's Glory. For the Malecontents never believed that it was possible for the King to make Peace upon any, much less upon Terms so very honourable; and therefore they look'd on this Transaction at *Ryswick*, as a pure Amusement either to break the Confederacy, or to cover some notable Design which was not yet ripe for Execution. And when at last they saw the Treaty far advanc'd, they began indeed to believe that a Peace might be concluded with the rest of the Allies, but they were certain *England*

would never be included : For they judg'd this so incredible a Story, that they scarcely believ'd it when the Peace was publickly and solemnly proclaimed.

This important Work being thus happily effected, his Majesty returned to *England*; where the People every where received him, as they had the greatest Reason in the World to do, with all the Applause and Demonstration of Joy that can be imagined. He met his Parliament the third Day of *December*.

The War being ended, the House of Commons, for the Ease of the People, voted the Army to be disbanded, and resolved to raise a Supply sufficient to pay off the Troops; But at the same time when they took off so great a Part of the Burden from the Country, out of a due Regard to our future Safety, they passed a Vote to enable his Majesty to keep such a Number of Troops on Foot, and to maintain such a naval Force, as in their Opinion the Security of the Government and the publick Tranquility required.

When the House had voted a Supply for the disbanding the greatest Part of the Army, they took into Consideration the Services of the Officers and common Men, who had amidst so many Hardships, Dangers and Disappointments in nine successive Campaigns, shewn so much Bravery and Fidelity in the Defence of their Country, as recovered the declining Reputation of the *English* Valour, and preserved the Kingdom from the terrible Assaults of the most potent Empire that perhaps was ever erected in the World. It was thought hard that such gallant Men, to whom the Kingdom owed so much, should be discharged without any Provision made for them; the House of Commons therefore passed a Vote in their Favour, *That the Officers should be continued in Half-Pay, 'till they should be otherwise provided for; and, that the common Centinels should have a Donative at their Disbanding; and for their further Encouragement, should be free to set up and exercise their Trades in any Town or Corporation throughout the Country.*

This being done, the Parliament took into Consideration two great Branches of Trade, which had long wanted a due Regulation; and they first entered upon that of the Company trading to *Africa*; and in Consideration of the Necessity of keeping up Forts and Castles for the Defence of our Factories on the Coast of *Guinea*, there being no regular Government among those barbarous People, on whose Protection they might safely rely, the Parliament thought it necessary to establish the *African* Company for the better carrying on our Commerce to those Parts. Yet the free Traders or Interlopers were likewise permitted to trade to the same Coasts, provided they paid to the established Company ten *per Cent.* of the Value of Goods exported, towards the Maintenance of the Forts and Settlements.

Next they entered on the Business of the *East-India* Trade, which had been depending many Years, and was look'd on as so nice and difficult that it had been referred to the King and his Council, and back again by them to the Parliament.

This Affair being brought into the House of Commons, and the old Company having offered to advance seven hundred thousand Pounds, at four *per Cent.* for the Service of the Government, in Case the Trade to *India* might be settled on them exclusive of all others, the House seem'd inclined to embrace their Proposal, when a Number of eminent Merchants proposed to the House to
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raise two Millions at eight *per Cent.* on Condition the Trade to *India* might be settled on the Subscribers, exclusive of all others. They proposed that these Subscribers should not be obliged to trade in a Joint-Stock, but if any Members of them should afterwards desire to be incorporated, a Charter should be granted to them for that Purpose.

The House judg'd this Overture not only to be more advantageous to the Government, but likewise more likely to settle this controverted trade on a better Foundation than it was before; a Bill therefore was brought into the House, for settling the Trade to the *East-Indies* on those who should subscribe the two Millions, according to the Limitations before mentioned. But so great a Regard was had to the Members of the old Company, that 'till they had refused and rejected the Offer made them of settling this Trade upon them, if they would accept it on the same Terms and Limitations on which the others were contented to take it, and which the Parliament judg'd most advantageous for the Kingdom, and the Bill did pass in Favour of the New Adventures.

The Bill being passed, and the Books laid open to take Subscriptions, the whole two Millions were subscribed in less time than four Days, the People shewed so much Zeal to assist the Government, and promote the Trade of the Nation, that 'tis very probable a Million more had been subscribed, had not the Books been shut up before the distant Corporations, and private Men in remote Counties, could remit their Commissions for the great Sums they intended to subscribe. The Dispatch of so great a Work, in so short a Time, after the Nation had borne so chargeable a War for so many Years, surpriz'd and amaz'd all the World. And as it greatly mortified all those who were joyfully assured that his Majesty would be disappointed of this Supply, so it gave our neighbouring Nations an astonishing Image both of the Opulence of the People, and the Strength of the Government. This Transaction view'd in all its Circumstances, is indeed so very strange and wonderful, that it will be a hard Matter for Posterity to believe it. How will they be able to persuade themselves, that a Nation whose Wealth might with great Reason be supposed to be exhausted after they had contended so many Years with such a mighty Enemy, should be capable of furnishing such a vast Supply in four Days? Yet this wise Parliament had so much Skill in touching the Springs of the People's Affection, that notwithstanding all the Losses they had suffer'd, and all the Expence they had been at, they were prevail'd with to advance this great Supply with such incredible Expedition. And by this Means the Parliament, only by doubling the Duty on Proceedings at Law, and that on Salt, raised a Supply of two Millions; which to have done by any other Ways, was at that time a Matter of the highest Difficulty.

The Parliament likewise this Session, applied themselves with great Diligence to discover such Offenders who by fraudulent and surreptitious Ways had carried on a secret Commerce with *France*; and to the great Damage of this Kingdom, had brought in for diverse Years past, great Quantities of Alamodes and Lustrings. Many of these Criminals they detected and punished: And to prevent the Continuance of this clandestine and most prejudicial Trade, and to encourage our own Manufacture, they brought in a Bill which after past into an Act intitled, *An Act for the better Encouragement of the Royal Lustring*

Company, and the more effectual preventing the fraudulent Importation of Lustings and Alamodes.

And for as much as many ill Men continued to export *English Wool, &c.* to foreign Parts, to the unspeakable Detriment of the Nation, notwithstanding the severe Laws that were in Force against such Offenders, the Parliament the more effectually to obviate that stubborn Mischief for the future, made many prudent Provisions, in an Act intituled, *An Act for the Explanation and better Execution of former Acts made against Transportation of Wool, Fullers-Earth and scouring-Clay.*

This Session likewise, upon Complaints made, that the Woollen Manufacture was carried on in *Ireland*, to the great Prejudice of that Staple-Trade in *England*, the Parliament took care to stop the Progress of that growing Evil. They entered upon a Bill for that Purpose, but it terminated at last in an Address to the King, *That his Majesty would be pleas'd to use the most effectual Means to discourage his Subjects of Ireland from prosecuting the Woollen, and encourage them to apply themselves to the Linnen Manufacture in that Kingdom, whereby they might carry on a gainful Trade to themselves, without interfering with an Interest of which his Subjects in England were so very tender.*

These were the principal Transactions of these worthy Patriots in their three Sessions; and those who seriously reflect on the mighty Difficulties which with unexampled Resolution they encountered, and at last master'd, on the wise and effectual Remedies which they applied to the sharpest and most obstinate Distempers under which any Nation ever languished, on their Constancy and unwearied Diligence, either in obviating new Dangers, or removing fresh Mischiefs that embroil'd their Affairs, with what Vigour they plied the Helm, and how steadily they steer'd on very treacherous and boisterous Waters, how oft they row'd against Wind and Tide, and tho' often carried back by the Violence of the Current, or diverted by rapid Turns or Eddies of State, yet still return'd with invincible Courage, stemm'd the Tide and forced their Way, 'till at last, in Spite of all Opposition, they gain'd their intended Port, those I say, who impartially and seriously make these Reflections, can't but entertain a great Veneration of their Ability and Zeal for the publick Good. If there be any Man that does not yet admire as he ought to do, the Greatness of this Parliament, let him but consider what an amazing Undertaking it was to recoin all the Silver Money of the Nation when it was ready to sink under the Weight of a long expensive War; which Attempt was so hazardous, that the Enemy was made to believe it would certainly be fatal to us, and under that Confidence was persuaded to continue the War, as they made Peace when that Presumption was disappointed. Let him consider what a Task it was to recover the lost Credit of the Nation both public and private, in those low Circumstances, to which we were then reduced. Let him consider how great a Work it was to raise, or rather to make Money for the public Service which required extraordinary Supplies, when there was very little Money in being; let him consider this well, and he will take righter Measures of the Wisdom of this great Assembly. These were the Works of refin'd Understanding, of the most extensive Capacity and inflexible Perseverance; and these were the Works of this Parliament. A Parliament that had the Honour to be hated and reviled as much as any

any ever was, by the Enemies of our Government; which is a convincing Proof that they took the best Measures in the World for the Preservation of it. For had they betrayed it, these Gentlemen would have thanked them for it; had they out of Supineness, or Ignorance, run it a-ground, our Enemies perhaps might have derided their Weakness and Unskilfulness, but they could never have expressed so much Choler and Resentment. The Slanders therefore and Invectives of these Men who heartily wish'd the Ruin of our Establishment, is an honourable and lasting Encomium on the Proceedings of this Assembly; And as the Adherents of the late King openly declared their Anger and Enmity against the last Parliament, so 'tis not to be doubted but that all the Friends of the Government, that is every true *Englishman* has, on the other Hand, as great Affection and Reverence for their Memory.

A true and exact Account of all the Ceremonies observed by the Church of *Rome*, at the Opening, during the Progress, and at the Conclusion of the next approaching Jubilee, in the Year 1700. Taken and translated into *English* from the *Latin* Original, printed at *Rome*, by Order from the Pope.

AT the Approach of the Jubilee, the Popes of *Rome* cause the Bill of Jubilee to be published with a great deal of Pomp and Magnificence. This Ceremony is always performed on *Ascension-Day*, in the great Portal of *St. Peter's* Church in the *Vatican*; where for this Purpose are placed two rich Chairs, from whence the Ministers chosen by his Holiness, read with a very loud and distinct Voice, the Brief or Bull of the Jubilee in *Italian*: After this Publication four several Copies of the said Bull are affixed to the *East, South, West* and *North* Corners of the City of *Rome*; as it was practised in Pope *Urban VIII's* Time, who in the Year 1624, upon *Ascension-day*, which then fell upon the 16th of *May*, appeared in Person in the Church of *St. Peter's*, and commanded Signior *Don Austin Durando* to read the before-mentioned Brief in the Presence of some of the Clerks of the Apostolick Chamber, and some other Officers, but neither any of the Cardinals, nor of the Canons of *St. Peter* assisted at the Ceremony. The *Sunday* next following, the said Bull was likewise published in the same Manner in the other Churches, where, according to ancient Custom, they are used to open the *Holy Gate*.

This being done, Briefs or Letters are dispatched to all the Patriarchs, Primates, Archbishops, Bishops and other Superiours of all the Provinces in the Kingdoms, to notify the Celebration of the Jubilee, and to exhort the Prelates to be more than ordinary zealous in their Duty to instruct, either themselves, or by their Ministers, the Flocks committed to their Care, by which Means

• they

they may qualify themselves to obtain the happy Effects of the approaching Jubilee ; just as the Jubilee instituted by *Moses*, according to God's Order, was published before the seventh Month under the Sound of Trumpets.

The Solemnity of the Jubilee itself begins upon *Christmas-Eve*, just before the *Vespers*, by a Ceremony, which deserves particularly to be taken Notice of, which is the opening of the *Holy Gate*. For the better Understanding of which, it is to be known, that this *Holy Gate* is one of the Gates of *St. Peter's Church* in the *Vatican*, which is always shut, nay, even bricked up during the Interval betwixt the Jubilees, which always begins by the Opening of this Gate.

On the 24th Day therefore of *December*, which is the Eve of the Nativity of Christ, all the Gates of these four Churches, where there are any *Holy Gates*, are shut up by his Holiness's Order, so that nobody can pass thro' till such time they are opened with the accustomed Ceremonies.

After Dinner, about the Time of the Vespers of this great Eve, a most solemn Procession is made, at which assist the Ambassadors of foreign Princes, then residing in *Rome*, the Magistrates of the City, all the Penitentiaries and Prelates abiding at *Rome*; all the Chapters, Fraternities, the *Roman* Clergy, the College of Cardinals, and the sovereign Pontiff in Person; each according to his Rank and Quality. Thus they go in Procession with a great Cross before them, to the Chappel of the Apostolic Palace, where the whole Company being entered, the Holy Father, with all there present, fall upon their Knees before the Sacrament; in the mean time that many Officers are employed in lighting Flambeaus for the Cardinals to hold, as a Sign of Joy. Then the Pope throws some Incense upon a Chafing-Dish, with a most profound Reverence before the Altar; after which, he begins the Hymn; *Veni Creator Spiritus*, which is continued to the End by a Concert of Music, and sung distinctly, to represent the Holy Fathers in *Limbo*. From thence, this Procession goes on in the same Order as before, to *St. Peter's Church*, being followed by the Holy Father in Person, who is carried in a Chair, to the *Holy Gate*, which, as well as all the rest, is kept close shut up. Every Body having taken his Place, the Holy Father gets out of his Chair, and with a lighted Wax-Taper in his Hand, walks up three Steps to another Chair, placed for that Purpose, just by the *Holy Gate*. After he has reposed a little, he arises, and turning himself towards the *Holy Gate*, he knocks with a Silver Hammer on the *Holy Gate*, which is to be opened, and sings likewise three several times, the following Verses, unto which the Musicians, who compose the Chorus, answer at each time.

V. *Aperite mihi portas Justitiæ.*

R. *Ingressus in eas confitebor Domino.*

V. *Introibo in Domum tuam Domine.*

R. *Adorabo ad Templum Sanctum tuum,
in timore tuo.*

V. Open unto me the Gates of Justice.

R. When I am entered I will praise the Lord.

V. I will enter, O Lord, into thy House.

R. I will adore thee in thy Fear in thy Temple.

V.

V. *Aperite portas, quoniam nobiscum
Deus.*

R. *Quia fecit Virtutem in Israel.*

V. Open the Gates, because the Lord
is with us.

R. Because he has made known his
Strength in *Israel*.

Then the Pope sits down in his Chair again; and says:

V. *Domine exaudi orationem meam.*

R. *Et Clamor meus ad te veniat.*

V. Lord, hear my Prayer.

R. Let my Cry reach thy Ears, O
Lord.

At the same Instant that the Pope goes from the *Holy Gate* towards his Chair, the Masons begin to demolish the Wall wherewith the *Holy Gate* had been bricked up, and as they are carrying off the Materials, the Pope goes on thus;

V. *Dominus vobiscum.*

R. *Et cum Spiritu tuo.*

V. The Lord be with you.

R. And with thy holy Spirit.

OREMUS. *Actiones nostras quod sumus Domine, &c.*

This Prayer being done, the Chorus Sings the Psalm; *Jubilate Deo omnis terra, servite Deo in letitia, &c.*

During which time, the People which croud up as near as they can to the Rails, and the Penitentiaries in their sacerdotal Vestments, wash the Head-piece, Posts, and the Threshold; and in short, the *Holy Gate* with Holy Water: Which being done, the Pope, as he is approaching to enter the *Holy Gate*, says the following Verses, and is answered by the Chorus.

V. *Hic dies quam fecit Dominus.*

R. *Exultemus, & letemur in ea.*

V. *Beatus populus tuus, Domine.*

R. *Quid facit Jubilationem.*

V. *Huc est porta Domini.*

R. *Iusti intrabunt per eam.*

V. *Domine exaudi orationem meam.*

R. *Et clamor meus ad te veniat.*

V. *Dominus vobiscum.*

R. *Et cum Spiritu tuo.*

V. This is the Day the Lord has
given us.

R. Let us rejoice in it.

V. Happy is thy People, O Lord:

R. Which enjoys this Jubilee.

V. This is the Gate of the Lord.

R. The Righteous are to enter it.

V. O Lord hear my Prayer.

R. And let our Cries reach thy Ear:

V. The Lord be with you.

R. And with thy Spirit.

Let us Pray.

O Lord, who by thy Servant *Moses*, did'st institute among the Children of *Israel* the Jubilee and Year of Remission: grant thro' thy Goodness, to us who have the Honour to be called thy Servants, to commence happily this present Jubilee, ordained by thy Authority; and in which it has been thy Will to set open to thy People in a most solemn Manner this Gate, thro' which to enter
into

into thy Temple, to offer their Prayers in the Presence of thy divine Majesty ; that thereby having obtained plenary and absolute Remission of all our Sins, we may, at the Day of our Departure out of this World, be conducted thro' thy Mercy, to the Enjoyment of the heavenly Glory, through *Jesus Christ*. Amen.

This Prayer being ended, a Cross is given into the Pope's Hand, who kneeling down in the *Holy Gate*, Sings the *Te Deum Laudamus*, &c. and afterwards, as he is entering thro' the Gate, the Chorus go on singing, *Te Dominum*. He is no sooner entered thro' the Gate into the Body of the Church, but the Chairmen cloathed in Red, attending for that Purpose, take him up in a Chair, and carry him straightways to the great Altar of the Church of *St. Peter*; where being set down, he arises out of the Chair, and after some time spent in Prayers before the holy Sacrament, he mounts a Throne, erected on Purpose for this Use, and begins the Vespers, which, according to Custom, are sung for the Feast of the Nativity of our Saviour.

On the same Day, and at the same Hour, his Holiness deposes three Cardinal Legates, to go and open the other *Holy Gates* of the Churches, to wit: That of *St. Paul*, that of *St. John de Lateran*, and of *St. Maria Majori*, which is performed with the same Ceremonies and Prayers as has been mentioned just now. This Choice falls commonly upon two Archbishops and the Dean, who go from thence with a most magnificent Cavalcade, to perform this Function, which is like a Proclamation to all the christian World, that the Treasure of the Church is set open, and distinguishes the true Catholics from the *Heretics* and *Jews*. It must be confessed that the first Origin, as well as the true Creation which gave Birth to this solemn Ceremony, is somewhat obscure, but out of the Bull of Pope *Alexander VI.* which begins *Inter Curas*, &c. it is evident, that the same has been practised for many Ages past in the Church, and which has been mentioned by *St. Anthony* in his Chronicle, as a very ancient Ceremony. Some derive this opening of the Holy Gate from a Custom practised in the primitive Church, where those who had incurred the Censure of the Church, by Reason of some enormous Crimes and Scandals, were enjoined to perform certain public Penances, and were excluded from the Entrance of the Church on *Shrove Tuesday*, by shutting the Doors upon them; but on the *Holy-Thursday*, after a general Absolution given to all the penitent Sinners there, by opening of the Gates, re-admitted and received into the Bosom of the Church; if they had accomplished the enjoined Penance; if not, the Door was shut against them again till the next following Year, and sometimes for their whole Life-time. The Church like therefore, having from ancient Times been the Place assigned to those who underwent the Church Penance during the time of the Church Office, this has introduced the Custom of opening the *Holy Gate* at the beginning of the Jubilee.

But there being four several Churches, which each have a *Holy Gate*, this has occasioned some Dispute, which of them ought to have the Precedency in the Performance of this Ceremony. The Church of *St. John de Lateran*, is both the first in Rank, and enjoys some Prerogatives before all the other Churches in the City of *Rome*, as appears by the Constitutions of Pope *Gregory XI.*

XI. and Pope Pius V. However, when any of these pontifical Functions, which have a more strict Relation to the Pope's Authority, Dignity, and Majesty, are to be performed with the utmost Splendor; such as the Canonization of Saints, the Coronations and Benedictions of Kings, the Church of St. Peter has always had the Preference given her before all the rest. And it is upon the same Score, that this Church claims the Preference in this most just Ceremony, both as to the Time and other Circumstances; the *Holy Gate* of St. Peter's Church being the first that is opened by the Pope's own Hands. It has also been called in Question by some, whether any other Person besides the Pope himself has any Authority to open the *Holy Gate*; where it is to be observed, that in Case the Jubilee has already been published before by the deceased Pope and the Cardinals are not enter'd into the Conclave in order to proceed to the Election of a new Pope, it belongs to the Cardinal *d'Ostia*, Dean of the Church, to open the first *Holy Gate* in the Pope's Stead, as then their Cardinals represent the Pope's Person when they open the *Holy Gates* of the other three Churches; the Reason is, that, because this Ceremony is not essential, but only an accidental Part of the Jubilee, which might be celebrated without it, and was by some thought fit to be omitted, for Fear of giving Scandal to such, who perhaps look upon the Jubilee as imperfect without it, but it is my Opinion that if the Jubilee, be not promulgated before the Face of the sovereign Pontiff, the same cannot be published, and consequently the *Holy Gate* is not to be opened; the Authority of giving plenary Indulgence to the whole Church, belonging only to the Pope and the general Councils. However, it is to be observed, that this Jubilee being established every 25 Years, by many preceeding Popes, especially by Paul II. Sixtus IV. Alexander VI. Julius III. Gregory XIII. and Clement VIII. this plenary Indulgence, I say, being so often published, confirmed, approved and renewed by their Authority, there is no Question, but that the Cardinals, in Case of a Vacancy of the Chair may supply the Pope's Place, and consequently also open the *Holy Gate*; and the Dean of the Church may send his circular Matters throughout Christendom, to notify that the Jubilee, established and confirmed by the Authority of so many preceeding Popes, being near at Hand, they ought to prepare themselves to receive the Benefit of it, and to invite them to undertake this holy Pilgrimage, this being not to be accounted a new Grant of Indulgences, but only a Publication of what was granted before by a legal Authority. Thus Pope Julius III. in his Constitution; *Si Pastores*, &c. declares, that without any further Publication, the Jubilee begins with the Feast of the Nativity of Christ in the holy Year. And, whereas his Exaltation to the papal Dignity, did not happen till after *Advent*, in the Year 1549, when the holy Year was actually begun, he published a Bull, dated the 23d Day of February, 1650. in the first Year of his Pontificate, in which he declares, that the Jubilee had actually commenced with the next preceeding Feast of the Nativity of our Saviour.

But having entertained you sufficient with the *Holy Gates*, and the Ceremonies belonging to them, we must also take a short View of those Transactions which are performed in the City of Rome, to obtain the happy End of the Jubilee. As those who hope to reap the Fruits of a plenary Indulgence, must qualify themselves for it by many Acts of Charity, a true Penitence and o-

ther good Works, so, I must needs tire the Reader's Patience, if I should pretend to give an exact Account of those who flock from all Parts to *Rome*, to make their Confessions, and appear before the highest Tribunal of Penitence; it will suffice to say, that both Day and Night all the Churches of that great City, are filled up with innumerable Multitudes of People, who offer up their Prayers in the Presence of God Almighty. I may say it without Vanity, that there is no Street, no not as much as a By-Lane in this vast City, which being formerly the capital Empire of the World, is now the Capital of God's Kingdom upon Earth, where you may not see most evident Marks of an unfeigned Piety; here you meet those, who make it their whole Business to give Alms to the Poor, with so much Profusion, that you cannot imagine otherwise, but that they are giving away all they have, the better to follow *Christ*; others you may observe to bestow most of their Time and Substance in giving a good Reception to those Pilgrims, who come from all the Corners of *Christendom*, to partake of the happy Effects of the Jubilee. You will meet as well in the Streets as in the Churches, vast Numbers of both Sexes, who touched with Remorse for their past Crimes, appear in miserable Drefs, and a most abjected Posture; some are clad in long coarse Gowns, others covered only with Sack-Cloth, some cover their Hands and Faces with Ashes, others knock their Breasts with their Fists; many there are who tear the Flesh all over their Bodies by the Violence of the Discipline; and to be short, there is scarce any Kind of Mortification invented to give Satisfaction to, and appease God's Anger, which you see not put in Practice at that Time. Neither must you imagine, that those Exercises are performed by private Persons only; no, you will see whole Fraternities and Congregations, composed of a considerable Number, who all animated by the same Spirit, strive to excite one another to the Performance of them, by their mutual Examples. Thus you may behold entire Chapters and Colleges of Cannons, and other Societies, enter in Procession the City of *Rome*; nay, whole Parishes, with their Curates at the Head of them, who leave their Habitations to pay their Adoration to the Lord, and his Son *Jesus Christ* in that Church, where, as it may be said, God has erected his Tabernacle, and honoured it with his particular Protection, and which claims a Prerogative before others, by the Death of the Chief of the Apostles and his fellow Sufferer. With this Kind of People you see all the Streets and other public Places of this vast City crowded, going in Procession from one Church to the other, some singing, others sighing and shedding Tears. For whilst some are busy in singing the Litanies and Psalms appointed for that Purpose, others offer their Prayers with their Eyes fastened to the Ground, and when they approach the Churches, especially that of *St. Peter*, you may see many of them crawling upon the Ground to the Foot of the Altar, where they continue for a considerable Time in saying their Prayers.

These and such like Devotions are practised at *Rome* throughout the Course of the whole Jubilee; when a few Days before *Christmas-Eve*, (the last Day of the holy Year) Proclamation is made, that upon the next Eve of the Nativity of *Christ*, his Holiness intends to shut put the *Holy Gate* of the Church of the *Vatican*; which Day being come, a Procession is made from the Apostolic Palace to *St. Peter's Church* in the same Manner, as has been mentioned

ed before; and, after some time spent in Prayers before the holy Sacrament, the Vespers are sung, and three Cardinals deputed to shut up the *Holy Gates* of the three other Churches. No sooner have these three Prelates and their Company received the Benediction from his Holiness, and are marching in a most splendid Cavalcade to perform this Function, but the Pope and Cardinals, who assist at the Ceremony, being presented with lighted Wax Candles, they march in good Order, with the Cross before them, towards the *Holy Gate*, which is to be shut up; the Pope being carried after them in a Chair under a Canopy, and as they pass by their Chappel where the holy Sacrament of the Altar is deposited, he offers up his Thanks to God for the happy Conclusion of the holy Year; which done, the holy Pontiff begins the Anthem, *cum Jucunditate*; whilst the Chorus is singing this Anthem or Psalm, *nisi Dominus edificaverit domum*, the Procession moves from and towards the *Holy Gate*, where, after some Prayers, the Pope standing under his Canopy, turns his Face to the *Holy Gate*, without his Mitre, and a Wax Candle in his Hand, and thus imparts his Benediction to the Materials, which are ready at Hand to close up the *Holy Gate*, in the following Words.

V. *Adjutorium nostrum in nomine Domini.*

V. Our help is in the Lord.

R. *Qui fecit cælum & terram.*

R. Who has made Heaven and Earth.

V. *Sit nomen Domini benedictum.*

V. The Name of the Lord be praised.

R. *Ex hoc nunc, & usque in seculum.*

R. Now and for ever.

V. *Lapidem quem reprobaverunt artifices.*

V. The Stone which was refused by the Artificers.

R. *Hic factus est in caput anguli.*

R. Is now become the corner Stone.

V. *Domine exaudi orationem meam.*

V. O Lord hear my Prayer.

R. *Et clamor meus ad te veniat.*

R. And let my Cries reach thy Ear.

V. *Dominus vobiscum.*

V. The Lord be with you.

R. *Et cum spiritu tuo.*

R. And with thy Spirit.

Let us Pray.

Great God, who protects the highest, that is in the middle, and the lowest, who sanctifiest thy Creatures, bless those thy Creatures, the Stones, the Mortar and Sand; thro' our Lord *Jesus Christ*. Amen.

After which, the high Pontiff, the Clergy, and all the Rest that assist at the Ceremony, come out through the *Holy Gate*, just before it is going to be closed up; and the holy Father besprinkles the Materials with holy Water and some Incense, and putting again his Mitre upon his Head, with a Linnen Cloth round his Middle, he gives thereby to understand, that he professes himself to be the Servant of the true Servants of God, and that after the Example of our Lord *Jesus Christ*, he is not exalted to the papal Dignity, and put in St. *Peter's* Chair to be served, but to serve others.

In this Posture the grand Penitentiary presents to him a Silver Trowel gnilt, wherewith he takes up three several Times some Mortar out of a Basket, carried by the Master of the Ceremonies, which Mortar he spreads and plaisters all along the lower Part, upon the Threshold of the Holy Gate; according to the Vision of the Prophet *Amos*, which saw the Lord with a Mason's Trowel in his Hands. The Threshold being thus covered all over with the Mortar, the Pope throws upon it both to the Right and the Left, as well as in the Middle, several Medals of Gold and Silver, representing the triumphant *Jerusalem*, the Walls of which are described, *Apocal. c. xxi.* to be built of precious Stones. The Pope after this covers the Mortar and Medals with three square Stones, and whilst he is busy in performing this Function, says, with a low but intelligible Voice, these following Words.

In fide & virtute Jesu Christi Dei vivi, qui Apostolorum Principi dixit; Tu es Petrus, & per hanc Petram edificabo Ecclesiam meam collocamus lapidem primum, ad Claudendam ad hanc portam sanctam ipso tantum modo, Jubilei anno re-ferendam. In nomine Patris, &c.

In the Faith and by the Authority of *Jesus Christ*, the only Son of the living God, who did say to the chief of the Apostles, thou beest *Peter*, and upon this Rock I will found my Church, we lay this last Stone towards the closing of the Holy Gate, which is not to be opened again till the next Jubilee. In the Name of God the Father, &c.

After the Pope has fastened these three square Stones with Mortar, and the Master Mason has drawn his Line, the grand Penitentiary with a Trowel in his Hand, lays likewise a Stone upon those laid before by the Pope, being assisted by the other Penitentiaries there present, to convince the World that they are the Pope's Co-adjutors, in the Administration of the Sacrament of Penitence. For each of them in his due Order, lays Hand to the Work, under the Direction of his Holiness, and raise the Wall, which is to close up the Holy Gate, to a considerable Height, whilst the Chorus Sings the Hymn: *Cælestis urbs Jerusalem, &c.* Which being ended, the sovereign Pontiff washes his Hands, and says these following Words.

V. *Salvum fac populum tuum Domine.*

R. *Et benedic hereditati tua.*

V. *Fiat misericordia tua Domine super nos.*

R. *Quem admodum speravimus in te.*

V. *Mitte nobis Domine auxilium de Sancto.*

R. *Et de Sion tuere nos.*

V. *Domine exaudi orationem meam.*

R. *Et clamor meus ad te veniat.*

V. *Dominus vobiscum.*

R. *Et cum spiritu tuo.*

V. Lord save thy People.

R. And bless thy Inheritance.

V. Let thy Mercy appear unto us.

R. According as we have put our Hopes in thee.

V. Lord send us thy Help from thy Sanctuary.

R. And defend us from *Sion*.

V. O Lord hear my Prayer.

R. And let my Cry reach thy Ears.

V. The Lord be with you.

R. And with thy holy Spirit.

OREMUS.

O R E M U S.

Deus, qui in omni Loco Dominationis tuæ clemens & benignus existi, exaudi nos quæ sumus, & præsta, ut inviolabilis permaneat hujus Loci Sanctificatio, & Beneficia tui Muneris in hoc Jubileo Anno, Universitas Fidelium, impetrasse litetur; per Dominum nostrum Jesum Christum, &c.

Let us Pray,

Great God, who at all Times, and at all Places, gives us innumerable Proofs of thy Mercy and Goodness, hearken unto our Prayers, and grant that this Place may always be sanctified before thee, and that all faithful Christians may rejoice in having been Partakers of thy Mercies in this Jubilee; through our Lord *Jesus Christ*.

This Prayer being ended, the Holy Father sets himself upon the Throne, and whilst twelve Bricklayers, to wit, six on the Right, and as many on the Left Hand are busy in closing up and raising the Wall to the Top of the Holy Gate, the Chorus sings, *Lauda Jerusalem Dominum letatus sum in his*, &c. and other such like Psalms. The Wall being finished by the Masons, the High Pontiff concludes the whole Ceremony, by imparting his Benediction with a plenary Indulgence of the Jubilee to all there present, who are not sparing on their Side in their Acclamations of Joy, and making ten thousand Vows for the Prosperity and Preservation of his Holiness. Which being done, the *Te Deum* is sung for a Thanksgiving for the many Mercies received by the People in this Jubilee, who thus well satisfied and filled with spiritual Joy, return to their respective Homes, as the Holy Father retreats to the apostolick Palace.

Curfory Remarks upon some late disloyal Proceedings, in several Cabals: composed of an Intermixture of Interests. 1699.

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A Premonition against causeless Fears, by shewing the great Things the King and the Government have done for England; and the ungrateful Returns his Majesty has encountered from a Mixture of various Interests, assembled at several Cabals; compos'd of,

Old Jacobites, Republicans, False Friends, New Converts, Placemongers, envious and ambitious Murmurers, seditious Clubbers and Writers: who are continually

Un-

Undermining Royal Authority, reviling the publick Ministry, and raising causeless Jealousies and Suspicions to amuse the People, and advance themselves into the Supremacy, by false Notions in Government.

Which are examined and refuted: Their Suspicions proved false and groundless: Their Designs plainly discovered, in contributing toward the disbanding the whole Army, sending away the Dutch Guards, secluding Members of Parliament, &c. And the Ways and Means by which they promote Discontents, are detected, &c.

THE PREFACE to the READERS.

TIS notoriously known to the Grief of good Subjects, and the Shame of bad Ones, that the King's Majesty, at several Cabals, has been treated with less Honour and Respect than is due to his illustrious Merits, and glorious Achievements: Or, that becomes a People, whose vast Obligations to him should have better instructed them in their Duty.

But since Scandals will arise, to prevent the Woes that attend the Inventers and Promoters of them, I have essayed to put a Stop to their Currency, by endeavouring to reclaim the Traducers and disabuse the People, who are imposed upon by false Suggestions, and attempted to be frightened out of their Allegiance with feign'd Fears and Dangers.

This being a kind Office to all, none can be displeased at the Undertaking. For tho' I shew how the Nation is abused, by Misrepresentations of Men and Things, I name not the Persons, and if any are so fond of discovering themselves, by being concerned at general Reflections, and say, There the Author means us, I cannot help it, they are in the Right, and I can only say, What made them there? they know themselves, and I my own Meaning; which I take to be so plainly expressed that no Englishman can doubt of it, or think I have usurped a Province I had no Commission for.

If Men will do Things they are unwilling to hear of, and raise Spectrums they are afraid to see, the Fault's their own. They that make the Clamour must not blame the Eccho; nor they that raise evil Spirits be angry at him that lays them.

Some Men have taken the Freedom publicly to affront, scandalize and abuse Authority, and if others have not the Privilege of vindicating injur'd Innocency and Integrity, and of throwing the Calumnies on the Heads of the Aggressors, the Case is very hard, and admits of greater Aggravations, by Reason their Cause is juster; for if such a Course must carry it, the Liberty we have so long contended for is all a Chimera, whilst every Man hath not an equal Share in it. And therefore, since it can't be suppos'd that any Law of Honour, Conscience, or of the Nation can be violated by an honest Design of continuing a right Understanding, and a mutual Agreement between the royal Head and loyal Members, by removing the Cause of Dissention, I shall not be in Pain about the Contents of the ensuing Pages.

Curfory

Cursory Remarks upon some late Disloyal Proceedings, &c.

THE Affairs of this *Sublunary* World carry a Resemblance with those of the Air; for as in those celestial Regions, there is sometimes a sweet and harmonious Concord, and Serenity through the whole Hemisphere, and at other times the Face of Heaven is overcast with Frowns, Fogs, and Exhalations, which hover a while in the Air, and at length break into dreadful Fulgurations, and raise a Kind of War in the elementary World: So it is in this inferior Orb, which is peopled with Men compounded of the Elements: Sometimes we have gentle Calms of Peace and Tranquility, and other Times nothing but Wars, Seditions, Heats and Animosities, which like the Plague infect our Conversations, disturb the Body politick, and put all Things out of Order.

And as the Commotions in the Sky are ingendered of Fogs and Mists drawn out of fenny and diseased Commons, and are usually foreshewn by rolling Clouds, and the malevolent Conjunctions of erratick Stars; so the Troubles of the World in general, and of *England* in particular, take their Birth and Nourishment from ill Humours that possess ambitious Minds, and indigent and malecontented Men, who aspire without Desert, rail without Reason, and would put the Kingdom into a Flame, to warm themselves by the Heat on't: Or by dispersing their causeless Fears and Jealousies through the Nation, design to divide and destroy it.

We are fallen into those Dregs of Time, wherein Atheism and Irreligion, Sedition and Debauchery, seem to divide the World between them; wherein true and unaffected Piety is out of Countenance; wherein all the sacred Ties to our Sovereign are as loose as our Manners; and in which that generous Honesty, and religious Loyalty, which was once the Glory and Character of our Nation, is vanished into Disobedience and Contempt of our Superiours: For among all the vicious and impertinent Humours of the Age, as none are more common, so none are more equally lamentable, dangerous and ridiculous, than aspersing Things venerable and sacred, and speaking Evil of illustrious Persons; and yet that is now improved to such a wicked Height, that he is accounted the wittiest Man and staunchest Member of his Party, that dares calumniate loudest; or else has the peculiar Knack in wounding Authority with sly, oblique and ominous Suggestions; that can stab and look another Way, as if they were wholly innocent, and unconcerned in the Mischiefs that are only of their own contriving.

Now were these mean and scandalous Practices to be found only among a few, from whose weak and crazy Heads better Morals could not be expected, like a slight Scratch in the Body, it might be cured by neglecting and contemning it; but since the Disease is grown epidemical, and has intruded into topping Societies, 'tis time to put a Stop to the Gangreen before the whole Body of the People are infected, and grow sick of their Prosperity. Next our Duty towards God, it greatly concerns our Peace and Happiness to uphold our Loyalty to God's Anointed, and our Obedience to his Government; for our Peace
and

and Safety being wrapt up in the Welfare of the King, and the Prosperity of his Laws, 'tis our Wisdom and Interest to be true to both, and bear a justifiable Abhorrence to all seditious Members in the Kingdom, who would weaken the Head to fortify the Body, and would persuade us, that to traduce and expose his Majesty is the way to make his Reign and our Lives happy; and that the Diminution of his regal Power and Prerogatives, is the Way to support his Grandeur, and make the three Kingdoms happy.

These are the abominable Fallacies, which some seditious Members of our Body politic, are putting upon the fickle and injudicious Populace, with Design to abase the Monarch's legal Power, and lodge it in themselves; and therefore 'tis every honest Man's Concern to oppose these wicked antimonarchical Principles and Practices, and to convince Men by the Truth and Reason of the Thing, that the Way to be happy ourselves, is first to make the King so; and that to obey him humbly, to honour him conscientiously, and to love him affectionately and heartily, is both our Duty and Advantage; whereas to cast off that Reverence that he has a just Right to, to misconstrue his Actions, to traduce his Counsels, to suspect his Integrity, and if it were possible, to render him cheap and insignificant, which is the Course that is now taking by our Pseudo-Patriots, is to tear our Peace, our Government and all to Pieces without the Help of a foreign Enemy.

Sure *England* is the unhappiest Island in the World that can ne'er be prosperous and peaceable, fortunate and loyal, safe and contented at the same time. For no sooner are we on the Borders of a happy Settlement, but ill Accidents, or malicious Inventions intervene to cross and disturb it. No sooner are we in Possession of a long desired Peace, but some seditious Chimera's, nick-named the publick Good, or some cunningly staged Fears and Jealousies, Suspicions and feigned Dangers, (which if duly examined, are nothing but the Results of a Spirit of Contradiction, and Disobedience to monarchical Authority) throws us into such violent Concussions and preternatural Heart-burnings, that the Nation, like a distracted Body, is laying Hands upon itself, and contributing more to its Ruin, by its own Heats and Divisions than the Swords of our Enemies could effect.

Detestable Jealousy and Suspicion! How dismal are thy Products! How destructive to Christian Charity! How pernicious to human Societies! that no Bond is so strong, no Tie so sacred, no Deliverance so obliging, but this deluding Inchantress is able to dissolve them.

What shall we say? Sure some strange Fatality, some unusual, unheard-of Giddiness has seiz'd and infatuated some Members of the Kingdom, that they should take Pleasure in affronting their King and Deliverer, and out of an innate Aversion to Monarchy refuse to do themselves and their Country Right, for no other Reason, but because they thought the King desir'd it. Is not this to retort his signal Favours with Indignities, to requite his Love with Jealousies, and to sting him with our Tongues, while he is warming us in his Bosom?

Did he not deliver us from Tyranny and Oppression? Has he not fought our Battles and procur'd us Peace and Plenty? These Favours one would think had been enough to oblige a People of any Ingenuity, and for ever endeared a

Prince

Prince to us who snatch'd us from the Brink of Ruin, and with the Hazard of his own Life, preserv'd ours, and the Kingdom.

Sure tho' we are unable to requite him, we ought not to injure him in his Honour, by base Surmises, and unwarrantable Suspicions, and instead of treating him with the highest Epithets of Royalty, scarce afford him the civil Usage of a Gentleman; certainly this is Ingratitude in the Abstract, and wants a Name bad enough to signify its Baseness; and that it may yet appear more black, and fright the Seditious from repeating their Crimes, by shewing them a Monster of their own begetting; let us look a little backward, and trace it to its Original.

Our late Inability to extricate ourselves and our Laws from a threatened Slavery, and Vassalage to a homebred and foreign Tyranny; and to defend our Liberties and Properties from the Insults and Depredations of our own Countrymen and Strangers, made it absolutely necessary for us to resign our Power into the Hands of the Prince of *Orange*, now our gracious King, who wrought such a Deliverance for the Nation as ought never to be forgotten, and can never be sufficiently requited; if we consider both the Matter which was great, and the Manner which was kind, and both extraordinary, and which will be mentioned with Honour by Men of Sense, so long as the Protestant Name shall be remembered.

His Majesty came not as the antient *Romans* and *Saxons* to conquer and lead in triumph after him, our Religion and Laws, our Lives and Liberties; but to defend, preserve and secure us in them all.

For this End *alone* he undertook that dangerous and chargeable Expedition, which has prov'd as much to our Advantage, as it will be to his Majesty's lasting Reputation.

What he has done argues that he was moved by a higher Principle than any this World can afford; in overlooking his own Ease and Security, when the publick Good and the Concerns of Christianity call'd for his seasonable Assistance. And

Here I could easily make a Panegyric upon his Vertues, and equal him to the most famous *Grecian* and *Roman* Generals; but I need not set forth his Praises, which do so loudly speak for themselves. Nor draw any tedious Parallels betwixt his Majesty and the celebrated Heroes of former Ages, since I am herein prevented by all who have read the History of former Times, and are ocular Witnesses of what his Princely Goodness, with so much Courage, Mildness and Prudence hath done in this; for Things succeeded so well under his Conduct that we all submitted ourselves to his wise Direction, and put ourselves under his gracious Protection, as the tutelar Genius of the Nation: And the Effects of his Enterprize were so strange, so wonderful and surprizing, that had we not seen, we should scarce have believed them, which makes the Wonder greater, that we should so easily forget them.

As soon as his Majesty landed, with what Joy and universal good Wishes was the News received? How forward were all Sorts of People to declare for his Highness; How willing were they to lend him a helping Hand for accomplishing his great Work? How did we all generally concur and unanimously agree, to forget our Obligation to the late King, and assist his present Majesty, rather than *James* the Second against ourselves and his own Interest?

Nay, the Army itself, that now some scurrillous and trifling Pens have loaded with opprobrious Names, and stigmatized with base and ungenerous Reflections, for doing the best Piece of Service that ever was done for *England*, went over to him, chusing rather to lie under the Imputation of Cowardice and Disloyalty (which yet true *Englishmen* had rather die than really deserve) than to be instrumental in enslaving their native Country, and bringing it again under the Yoke of Popery and Slavery.

In short, all Orders of Men, Ecclesiastical, Civil and Military, had their Eyes fixed upon his present Majesty, as their great Deliverer, were resolved to espouse his Cause, and accordingly when the late King had withdrawn himself, First, put the regal Administration into his Hands, and soon after, by a universal Consent, set the imperial Diadem upon his Head. Where may it flourish for many, many Years.

Now, who that ever heard the doleful Sighs and Lamentations of *English* Protestants, when their Religion was in Danger of being lost, and Popery, Idolatry and Superstition was setting up as the national Mode of Worship could ever imagine, that the *English* could so soon, and so ungratefully forget the Benefit of restoring their Religion, or make any indecent Returns to King *William*, that accomplished it.

Who that ever knew, how in the late Reign our Laws were suspended, our Properties seized, our Rights and Liberties invaded, and Protestants insulted by furious Papists, could ever think to see the Day, that any *English* Protestant should requite Good with Evil, and industriously slander the Footsteps of the Lord's Anointed, that healed our Breaches, and restored us to Liberty.

Who that has ever heard, or read, the humble Remonstrance and Request of a considerable Part of the *English* Clergy, Nobility, Gentry and Commons, to King *William* (when in *Holland*) to come over and help them: The Promises they made of standing by him with their Lives and Fortunes, and how cheerfully that great Prince undertook, and almost miraculously accomplished our Deliverance, could believe that the same Prince, should from the same People receive a less dutiful and glorious Return, than the noble Enterprize deserved.

Who that has ever heard, how unanimously and freely the Representatives of the Nation, in the Convention at *Westminster*, offered his Highness and his Princess the Crown? How they rejoiced at their Acceptance of it, and with what extraordinary Solemnity and Satisfaction they were proclaimed and crowned King and Queen of *England*, could ever think of seeing any thing that should look like a Diminution of his Royal Authority, or suspect his Kindness and good Intentions to a Nation, that he had obliged beyond Expression?

Who could think, that after Acts of Settlement, Recognition of the King's Right, Association for his Safety, and settling a Fund for the War, and a Maintenance of his Royalty, that a sullen, froward and seditious Sort of People should rise up among us, of all Qualities, but of no Religion, or moral Prudence, to beget a Misunderstanding betwixt this glorious King, and these loyal People, whose mutual Concord and Agreement is the Safety of the Kingdom, and the Terror of its Enemies.

How-

However, a few such there were, even in that very Parliament, that had given such ample Demonstrations of their Love and Loyalty. For the Nation having then a War upon its Hands (for the Maintenance of our new Settlement) with a potent Monarch that protected the Person, and espoused the Quarrel of the late abdicated King; and that great Supplies were absolutely necessary, to enable his Majesty to sustain the Force of a Kingdom, which by their own wise Administration, and the Supineness of *England* in the late inglorious Reigns, was now grown so potent, that it required a longer Sword to resist, than heretofore to conquer it, and in which his Majesty, without Flattery, has acquired more Honour, by checking and controuling the Power of *France*, than any of his great Predecessors did by subduing it; the Parliaments were obliged to lay great Taxes upon the People, and the Nation being not insensible of the Burden, the malecontented *Jacobites*, who were always more cunning in embroiling our Affairs, than in advancing their own, took the Advantage of it, and in all Companies declared, That the Government must of Necessity sink under its own Weight, and that our heavy Taxes, by reducing us to extreme Poverty, would inevitably prove our Destruction: And never ceased declaiming on this popular Subject, and galling the People in their tender Part; in hopes to make them weary of a Government, which was represented so burthensome, and to persuade them rather to let in the Deluge, than be at the Expence of maintaining the Banks.

Besides this Party that were for King *James*, there were others that were for no King at all, a Sort of Republicans of the old Stamp, that are for subverting Monarchy itself, to set up an Idol, they know not what, in the Room on't; and care not what becomes of King, and Parliament, and Kingdom too, so they can gratify their own Pride and Peevishness, and advance the *Dagon* of a Commonwealth; which is so inconsistent with the Humour, Nature, Interest and Constitution of the *English* People and Government, that they might as well attempt to stem the Tide, or reconcile disagreeing Elements, as think either to court or force them to submit to such a Form; yet however unlikely it was to expect the People's Compliance, they use their utmost Endeavour to promote it, and to this End Mr. *Harrington's* Commonwealth of *Oceana*, and all Mr. *Milton's* Antimonarchical Treatises, and that too which justifies the Murder of *Charles I.* and many Discourses of other Authors, as *Ludlow's* Letters, and Mr. *Sidney's* Discourse of Government, all on the same Subject, and tending to promote the Design of lessening and reproaching Monarchy, are reprinted, which, in their Ends and Designs, as well as their Authors, are no less Enemies to the Government, their King and Country, than the former; and assist in carrying on Discontents and Divisions among us, being such an odd Sort of Men, and so averse to all Kings, that if God should send them one from Heaven, they'd never like him two Days together; nay, if they were in Heaven themselves, 'tis to be feared they'd be turned out again, for attempting against the monarchical Power of God Almighty. These, I say, are some of the Troubles of our *Israel*, and are no less busy in traducing the King, than the rankest *Jacobites* in *England*, and greedily swallow down any Defamation upon the Court, to disgorge it with a greater Mixture of Malice and Slander at their next Republican Association. And though they are both in Extremes,

and as opposite to the *Jacobites* in their Principles, as they are to Peace and Loyalty; yet they both agree in Opinion and Practice against King *William* and his Government, and take the same Methods of lying and slandering, and raising Fears and Jealousies to weaken and destroy it.

The *Jacobites* said we should never have Peace till *James II.* was restored; and the Republicans said we should never be able to cope with our Enemies, but must sink under them, if we did not put ourselves under the Regiment of a Commonwealth, and crown our Sovereign Lord the People. These contradictory Notions were both supported by their Pamphleteers without Doors, and their crafty and dissembling Ambodexters within, who, by asserting the War was like to be eternal, and the Nation's Ruin irretrievable, were tearing the Bowels of our common Mother, and plunging us into new Confusions, by the united Endeavours of those that were for a Popish arbitrary King, and those that were for no King at all.

But the never to be forgotten Goodness of God, and the great Wisdom, invincible Courage, and inflexible Resolution of his Majesty, having, to the great Mortification of the Enemies of the King and Kingdom, the entire Satisfaction of the true Friends of both, and the Admiration of all Men, concluded the War with *France*, and brought Home an honourable Peace, it confuted all their ominous Predictions, silenced their Clamours, shamed their Intrigues, and confounded all the pretended Dangers raised by our Enemies. And now one would think we had nothing to do, but to return our due Thanks to God and the King, make our Gratitude and Obedience as conspicuous, as the Benefit was extraordinary; to pay our Debts, reward our Friends, forgive our Enemies, and under our own Vines and Fig-trees, solace ourselves in a happy Peace, and live in Unity and Amity, and in Peace and Concord among ourselves.

These were the Things most desired, best becoming Professors of Christianity, suitable to our Obligations, and ought to have been the Endeavours of all, in their several Stations. But, alas! to shew there is nothing completely happy on this side Heaven, how have we frustrated the Designs of God Almighty, whose Goodness and Long-suffering should have led us to Repentance, by continuing in our Impieties? How ill and ungratefully have we treated his Majesty, who, as the royal Instrument in the Hand of God, has procured us this, and many other inestimable Blessings? And how have we injured the whole Community, by dividing into Parties and Factions, and worrying one another by intestine Seditions? For,

No sooner was there a Dissolution of the former Parliament, and a fresh one convened, but new Murmurers, under the Names of Old Friend (though in Truth but a Compound of the other two) started up amongst us to trouble our Affairs; who, though great Asserters of the late Revolution, seemed inclinable enough to a second, if their private Sentiments may be collected from their public Discourses; for from I know not what private Disgusts, and personal Quarrels and Disappointments, they are grown sower and uneasy, and to express their Resentments, in all Conversations endeavour to bring our Administration into Contempt; to clog the Wheels of the Government that it move slowly, or not at all; and, in short, are against all Things which our known and open Enemies are against, and for all Things which they are for, and let the Consequences

quences be as mischievous as they will, they think the more the better; and by these and other clandestine popular Arts, recommend themselves to their Country as great Patriots, for no other Reason but that they would starve, or bind up the Hands of the Government, that it should not be able to support and defend itself. The Proceedings against these Men, whether in their own Houses or at Clubs, are of all others the most absurd and unaccountable, and the Opposition they make against the Government seems to be the Effect of some strange Infatuation. For though it should be allowed, as it is a standing Maxim among them that the Character of a Patriot, without Distinction of Times or Persons, is to be always, in all Causes whatsoever, against the Court; yet they cannot be insensible, that the Face of Affairs is so altered by the late happy Revolution, that the Interest of their Country is the same with that of the Court. However, though this was a Government of their own chusing, approving and settling, which methinks should weigh much with all considering Men, that would not be thought guilty of Levity, Novelty and Inconstancy; yet the Witchcraft of Parity, Envy and Ambition gives them such a Satisfaction in crossing the King, thwarting the Court, and by those Arts rendering themselves popular, that 'tis the Business of their Lives to make the King and his Ministers uneasy, and, if it were to be done, despicable in the Eyes of the People. Now,

Were these Mischiefs done by the open and professed Enemies of the King and Government, the Crime would be more tolerable; or were they hatched by the little Animals that frequent seditious Coffee-houses, it would be more pardonable, because their Tongues are no Slander; but to see and hear it done by our pretended Friends, Men of Quality and Figure, that are in eminent Posts in the Kingdom, that have a Hand in public Affairs, is able to chill and stagger every Sense about one! and what can these scandalous Practices be ascribed to, but a deep-dyed Dissimulation and Hypocrisy; when we see Men court and cringe at *Kensington*, and rail at *Westminster*; hug and embrace a Minister in the Painted Chamber, and cut his Throat in the Chapel; give a Courtier the smoothest Words to his Face, and hang him behind his Back. What can one think but that they were tainted in their Original, and are so in love with Anarchy, that they hate the King and all that belong to him; and let them pretend what they please, from this Principle you can never court nor drive them, for the *Moor* was born black, and will continue so, in Despite of all the Soap in the Kingdom. The Snakes will be hissing and threatening, and if you should cram them with all they can wish, or you can give, they will never lose their Natures; and of these there are two Sorts, and both worth the knowing, that you may avoid them.

First, the loud and open Talkers; and secondly, the private seditious Whisperers. The first need no particular Description, for the Noise they make, and the Hazard they run of forfeiting their Understandings, to gratify their Ill-nature, and humour their Faction, is the best Denomination of them. These, though always declaiming against the Government, do less Harm than the other; for all their Invectives against the King and Court, being usually carried as far above Truth, as beyond the Bounds of Decency, they are not like to succeed in their Designs; unless, when they assume a Power of talking away their King's Right, they could take away the People's Reason also; which can ne-

ver be done by Men whose Understandings are warped with their Interests, and are not Historians of public Actions, but Lawyers of a Party; for grounding all they say upon idle Tales, Reports and Hearsays, they prove nothing but their Want of Breeding, and better Arguments, and their Calumnies, when driven Home, will recoil upon their own Heads: For they that charge others with Crimes they cannot justify, indict and convict themselves of Falsity.

The private Whisperers are commonly Men of a superior Quality, such as are ashamed to own their Practices openly, and therefore, like Gunpowder in a Vault, do incomparably the more Mischief for being stifled. For though they take Pleasure to be always finding Fault, ever complaining and murmuring, and censuring the wisest Councils, and the uprightest Conduct, yet they still sculk behind the Curtain, and look as demure and harmless, as if they had no concealed Sting, nor no Gall was mixed in their Creation, when they are the greatest Enemies to the King and Government in the World. For though they do not speak directly, and in Terms, against his Majesty, yet they vent such base Reflections, and unmannerly Insinuations against him, under double and ambiguous Meanings, as poison the Ears of their Admirers, and prepare their Tongues to use a greater Liberty, 'Tis from such pernicious Precedents of scandalous Babbling and idle Whispering against Authority, that the Lewdness of the Tongue becomes so epidemical in the Nation, and that the common People, first corrupted by ill Principles, and then influenced by the Example of factious great Ones, are grown to such Excesses in their pragmatistical censuring the Actions of their Superiors, as is unsufferable to the loyal and sober Part of Mankind, dangerous to the State, and pleasing to none but seditious Incendiaries, who play the Body against the Head with Design to destroy the whole.

What a strange Liberty is taken in this licentious Age, when every private Person, that thinks he has Half a Dram of Brains about him, shall arraign the Actions of their Superiors. What is this, but blasting the choicest Flowers of the Crown, and shrinking the Imperial Dignity of our *English* Monarch, into a Doge of *Venice*? For he is but a titular and no real King, whose Sovereignty and prerogative Royal is liable to the popular Scannings and Infractions of every proud and peevish Subject. There is no Tyranny to be compared to the Tyranny of a seditious Multitude, and the Condition of our *English* Kings are very little mended by those, that free them from the Pope's Supremacy *in ordine ad bonum spirituale*, and subject them to the People, *in ordine ad bonum publicum*: For if General Assemblies for making Laws have but the Power of advising the King, 'tis the highest Insolence in private Persons, to censure and misrepresent him. Are the King's Prerogatives and Sovereignty the only Rights that may be invaded, and scandalously tossed from Mouth to Mouth, as if the King that owns them were not sacred, and exempted from such impertinent Discourses? Sure the World is turned topsy turvy, and Men's Understanding grow downward, or they could never think the Multitude are invested with the highest Price of Regality, *viz.* Judging of the public Good, and controuling all; whose Incapacity, Levity, and Ignorance, renders them unfit for any thing of this Nature. Therefore, if any such are found, that by usurping upon the King's Sovereignty, would plead for such a Privilege of the Subject, the Cockatrice ought to be crushed in the Egg, their Tongues should be tied as well as their

their Hands; nay, the very boiling of their Thoughts, when they rise so high, should be skummed, and suppressed, or all will run into the Fire of Contention.

Though after all, I cannot be so injurious to the Generality of his Majesty's People, as to think they aim at any thing above the Sphere of dutiful Subjects; for their Zeal and Forwardness to venture their Lives in his Majesty's Service, is a manifest Contradiction of such a Calumny, and a convincing Evidence of their constant Loyalty and Fidelity; and my only Design in exposing the Principle was to shew, that Kinging the Multitude, is only a Trick to weaken the Monarchy, and is employed as a Blind, (by some that in the Course of Affairs, are come to have a Share in great Actions) to amuse the Nation with this popular and taking Theme, while they are laying a Foundation for their own arbitrary Ends, and uncontrollable Authority.

Having therefore acquainted my Reader, that the Government had three sorts of Enemies, *Jacobites*, Republicans, and discontented Murmurers, which under the Mask of Friendship were great Underminers of the Government, it is now my Business to shew, that according to an old laid Scheme of the *Jacobites* to destroy the Government, to the three Factions already named, are added another Set of Enemies, more dangerous than all the rest to effect it, which to distinguish from the former, I call the Mixture, new Converts, or seditious Interpositors, whose Designs having been the Work of great Thoughts, and long Time. And now, as the last Game is beginning to be plaid among us.

I know it will displease the Republicans, to be coupled with the *Jacobites*; our male-contented murmuring pretended Friends to be joined with the other two; and our new Converts, to be link'd with them all: however, in the Cause of my King and Country, that are harrassed and sawn by this unhappy Mixture of various Interests, combined against them, which like Beasts of different Species, and Sexes, shut up together, forget their natural Enmity, to satisfy their common Lusts, and care not what kind of Monsters are produced betwixt them, so their brutal Appetites are but gratified: I shall not value what they can say, or do, against me; for as it is a Symptom of an ill Cause, when it can't bear examining, and that none are so much concerned at Reflections, as those that cause them, so an honest Design of endeavouring the Peace of the Nation, as it don't deserve, so it will not stand in fear of any Man's Displeasure; and therefore I shall proceed to shew, that the Farce now acting, is but an Interlude revived; that the Actors, under what Disguise or Dress soever they appear, are but Tools in the Hands of the *Jacobites*, and while they satyrize the Monarchy and public Management, are but compounding with the Court at *St. Germain's*, and retrieving and advancing the Designs of the frustrated Faction.

It was a smart Reply of a great Man, when acquainted with the Danger that might arise from the great Number of Men, crowded into both Houses, that were in the Interest of King *James*, he said, *There was equal Danger from his false Friends, and from them that were for no King at all.* And though this single Observation has Weight enough in it, to preponderate any Objection that can be made against it, I hope it will not be taken ill, to prove by Matter of Fact, that the Supposition of there being such a Conjunction, was not ground-

groundless, and consequently, that the Reflection was a wise and prudent Reprehension, of confining the whole Danger to a single Faction, when there were apparent Instances, that others were in the same unnatural Confederacy.

Those Gentlemen that served his Majesty in the Counsels and Cabals of his Enemies know, and are able to prove, that the *Jacobites* had certain standing Rules, and Methods, to govern themselves by, in all their Attempts against his Majesty's Government, which were early communicated to his Ministers, and daily Observation has shewed, as they have been baffled in any one, the next has been taken up with equal Heat and Vigour as the former; and now three of their four Projects encountering continued Disappointments; the last, which gives us so much Trouble, and if not prevented will give us more, is now upon the Stage, and great are the Expectations of our Enemies from it.

The Projects prescribed to the *Jacobites*, for the Restoration of their old Masters, were couched under these four Heads.

First, To join with the Republicans, and all the Malecontented under every Denomination. This failing, then

Secondly, To strengthen their Party, by calling in a foreign Power; and if that was unsuccessful. Then,

Thirdly, To do the Work at once, by assassinating his Majesty's Royal Person, and in him the whole Kingdom.

Fourthly, If all the former Methods were rendered ineffectual, then they should all come in to the Government, take the Oaths, and set up for new Converts. And this I call the Mystery of Iniquity, that is now working.

The two first of these Projects for the Destruction of the Government, were a while kept with great Secrecy, and practised with no less Caution and Fears of Discovery; but as Trees when they have shot their Roots deep in the Earth, and have spread their Branches wide in the Air, every one may confidently affirm, they were of no very late Planting; so by a wonderful Turn of Providence, the Confederacy between the Seditious of all Names and Factions with the *Jacobites*, was fully discovered. *Lawton*, *Ferguson*, and *Crosby*, proper Tools for such a Work, were apprehended; and the Lord *Preston's* Plot, wherein the Original Papers, and Letters of the Conspirators declare there was a Combination to subvert the Government, to depose, if not murder the King and Queen, say, That this Villany was methodically agreed and concluded, at a select and formal Conference * between divers Lords and Gentlemen both 'Whigs and Tories.'

The next Contrivance of the *Jacobites* was, the professed Murder of the King, and the Invasion of the Kingdom; but Heaven detected the Conspiracy, and the Barbarity of the Action has so branded the whole Party with the Scorn, Infamy and Hatred of all *Englishmen*, that they being now ashamed to shew their Faces as *Jacobites*, take Sanctuary in their last Project, which I told you was, 'To submit to the Government, to take the Oaths of Fidelity, and set up for 'Converts, that under Shew of Friendship and Sincerity, they might gain an 'Opportunity to herd with other seditious Persons, and do more Mischief by 'their seeming Compliance, than they were able to effect by their professed and 'open Enmity.'

And

* *Vid.* Mr. *Ashton's* Trial.

And here I beg not to be misconstrued, as if I grudged at any Man's Conversion to his Duty, or thought it an Injury to the State, to have Love and Service of the whole Community : For it is what I heartily wish, and for some Years have employed my Pen for ; but when I see Men the same in Principle and Practice, since they became *Williamites*, as they were when distinguished from good Subjects by the Name of *Jacobites* ; you will pardon me for suspecting the Sincerity of their Conversion, till they give over the Trade of perverting their Brethren, and exhibit more signal Evidences of their Virtue and Loyalty, than yet they have done since they came among us.

The sacred Oracles tell us, ' that by their Works we may know Men,' and then what can we think, when we see the whole Gang of Enemies haunt the Court, for no other End but to ridicule and abuse it ! Set up for Patriots, by sowing the Seeds of Sedition ! Get themselves to be elected Members, that they may have the Privilege of affronting their Sovereign, saying that within Doors, what a modest Man durst not think without ! Contend for a popular Omnipotency, and Liberty to destroy all our Franchises ; and lessen the King's Power to give more than is due to their own ? What (I say) can we think of these Proceedings, but that their coming among us is like Water in a Ship, not to succour, but to sink us ; for such Things have been acted in Days of Yore, and what has been done may be done again, if an Almighty Providence does not prevent it.

That this is the Design to be dreaded, appears as well by the Greatness of their Numbers, as the Nature of their Actions ; for since the Year when this Commerce began, we have had a greater Addition to our Malecontents, than from the beginning of the Revolution to that unhappy Junction. And the Trade of supplying every Vacancy in the Company, with Persons of the same Character, increasing rather than abating, I wish surcharging the Factory, does not bankrupt the Nation. That the Confluence of our new seditious Interpositors, does not infect us with our old Plagues, and that these upstart Pseudo Patriots, being added to the Number of the old *Jacobites*, Republicans and Murmurers we had before, it had not been better for us, rather to have had their Room than their Company. For I fear if a Man might look into some Houses, he would see many such Persons there, as would tempt him to ask the Question in the Gospel, ' Friends, how ? and for what End came you hither, ' not having on the Wedding-Garment of Sincerity and Loyalty.'

Men that are conversant in the Policies of Nations, tell us, that though 'tis fit and commendable that there be a Reconciliation betwixt the King and his quondam Enemies, yet they ought not, in respect of the Government or themselves, to be admitted into Places of Trust, or the Management of great Affairs ; because in despite of Fate, while Men are Men, there will such Jealousies arise, as will clog the Freedom and Confidence that ought to be between them. On the Behalf of the Government 'twill be objected, that too much Credulity encourages an Abuse ; and trusting a reconciled Enemy, invites an Injury ; for History is very pregnant with Examples of Men that have had Indemnity for one Fault, and have been taken in another with their Pardons in their Pockets, before the Ink was scarce dry upon the Parchment ; and therefore we ought not to confide, where the Experiment is so dangerous.

On the other Part it will be said, that in common Prudence our seditious Interpositors, ought not to desire to be trusted, or intermeddle with the Public, because Men can never love, where they have given too great Cause to fear, and will always distrust, where they know they have injured, beyond a Possibility of Reparation. For tho' the King out of a Principle of Virtue, and Honour may forgive, yet their Guilt will not suffer them to believe he can, and that will hurry them upon obliterating their former Crimes, by repeating new Offences; both which, being seriously considered, 'tis an Argument, that those that thrust themselves into Business, whom a previous Disposition will not suffer to be just or hearty in it, they may make themselves odious to their Superiors, by their Haughtiness, and a restless Course of factious Competitions, but never will or can, do their King and Country service.

But let these things be as they will in the Theory, and like general Rules be liable to particular Exceptions, yet 'tis notorious, that since those that might not have what King they would, have joined with those that would have none; and since the Name of Jacobites has walked under less offensive Names, or has been obscured, by mixing in Clubs and other Meetings, with the old Enemies of the Kingdom; there has been greater Incroachments upon his Majesty's Prerogatives, than ever was before. More defamatory Speeches and Prints against his Government, more Fears and Jealousies created, more unjust Suspicions raised; and less dutiful Acknowledgments of the King's Care and Goodness to his People made at such Assemblies, than the King has deserved, or becomes *Englishmen* in eminent Stations to be guilty of.

How have these seditious Members we are talking of, embarrassed all our Affairs, and put a Stop to every good Motion, by endeavouring to raise a Misunderstanding betwixt the King and his People, and render him suspected at Home; that as the Champion of *Christendom*, has merited, and received the Applauses, Honour and Esteem of all the World abroad?

O abominable Ingratitude, senseless Deportment, and unpardonable Retribution, to think that the King would be at such a vast Expence, and hazard his Life, to pull down the Tyranny of King *James*, to set up a despotic Power of his own? What Reason is there to bolt out such ugly Suggestions, and hint such spiteful Reflections, against the King's Person and Government? Has his Majesty given us any Reason to suspect the Continuance of his Goodness; or that he will be less Kind in preserving our Rights and Privileges, than he was in procuring them, when they were almost lost, and settling them so by Law, that it might be impossible for any to injure us for the Future; no, but the Men that in a literal Sense would turn the World upside-down, are come amongst us: Influence Counsels; preside in Debates; and carry every Thing before them: Not by the Force of their Reasons, but by the Strength of their Numbers; not by the Goodness of what they advance, but by the Clamours of their Faction: Who while they are setting up themselves, and carry all Things into Ataxy and Confusion, assume a Supremacy, and Infalibility, in all their Determinations; and yet would cover all by saying they are his Majesty's most dutiful and loyal Subjects: But how they will reconcile their Words with their Actions, and printed Pamphlets, is worth our Examining, since all their Notions and Contrivances, look with malevolent Aspects upon Monarchy itself, and from that original Taint, and a
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Design to promote themselves, raise undutiful Suggestions against the King in Being; who, without doubt, if he had deserved less Love, they would have paid him more Fear and Reverence.

The Doctrine of curbing, and restraining, the Power of Princes, when the Administration is in good Hands; tho' 'twas only calculated for the Ruin of Mankind; and pleases none but those, who design by such flagitious Arts, to gain a Power of doing that to others, which they pretend to be afraid of, from such as never intend it; yet it was always glossed with specious Pretences; and this method is exactly followed by our seditious Interpositors of the last Edition, who always advance what may seem pleasing and popular, enough to wheedle Men out of their Allegiance; and that is, *opposing the Sovereignty of the Prince, with an imaginary Power in the People to controul and govern all Things at their own Discretion.*

Which can be intended for nothing but Mischief; for as in the common Practice of Mankind, where any Society of Men usurp more than is their own, their Neighbours will take greater Care to confine them within their just Limits; so when Subjects are reaching after royal Power, by open Affronts, and unreasonable Demands, they instruct the King to lay the faster Hold, and more assiduously maintain the Rights of the Crown; for if causeless Jealousies makes People start from their Obedience, Self-preservation will also make him distrust, secure himself against unreasonable Suspicions, and even compel him to exert his Prerogative, when in scandalous Pamphlets and Clubs, it begins to be disputed, in whom it is invested, and these mutual Suspicions will create endless Contentions.

In a monarchial Government God's Vicegerency ought not to be delegated to any other Head than what is anointed, nor unaccountably scattered among the Multitude: For as dividing a Power which is only safe by being intire, derogates from the King's Superiority, so it is destructive to the People's Liberty, as it intoxicates them, and makes them stagger from one Form of Government to another, till their Diversions, as a Punishment of their Fickleness, at last sinks them under an absolute Monarchy. And therefore this Pretence of exalting a popular Power, can have no other end, but to create Jealousies between the Prince and his Subjects: For as they cannot digest the false Fears they are decoy'd into, without undutiful Resentments, so the Prince cannot brook Competitors in Power and Prerogative. Thus the Seditious play the Members against the Mind, in order to the Destruction of the whole Body.

All Reservations, of an absolute Power in the People, distinct and divided from the Sovereign, does but nourish a continual Ferment, support divers Interests, fill the Minds of the People with Sedition, Curiosity and Pride, and furnish Envy and Ambition with plausible Disguise for their Malice, and the Exaltation of the Factious that promote them; as was evident among the *Romans*, where the unlimited Power of the People was but an Artifice, to conciliate deluded Subjects to the Tyranny of the Senate.

Blessed be God we have a Prince, that neither does, nor intends to infringe our Privileges, or deprive us of our Rights; and therefore entertains no remote Suspicions of his Subjects, from whom he resolves to deserve none; and has given us all the legal Securities a Parliament could ask for our future Peace

and Happiness. Why then should any Sort of Men deal so Ill with him, that has dealt so friendly by us? Why should any Men, though but in Clubs and Coffee-houses, set up a Power in opposition to his Majesty's, that has never employed his Power, but to protect and defend us. And yet God wot, we have such ill Members among us, that are offended at his Goodness, Surfeit on his Favours, and are so Heart-sick of *England's* Prosperity, that they use all Ways to disturb it! And though the King being a Prince of such incomparable Clemency, that he easily forgets and forgives the boldest Injuries: And to mollify their stubborn Tempers, by many indulgent Concessions, has endeavoured to quiet their disordered Minds, even to the Heights of their own Wishes; yet nothing can prevail, but the more his Majesty humours them, the more Exorbitant they grow, and being Case-hardened against all Obligations of Goodness and Ingenuity, are still in their several Cabals crossing his good Intentions, misrepresenting his Actions, and upon every idle Pique, discover their Want of Breeding, in making the former Expressions of their Gratitude, the ground of their present ill Treatment of him, and in their savage Rants, take Shelter in that mismanne'd Sarcastm, *What! did not we make him King?* As if the Thanks of their Deliverance from Tyranny and Oppression, and giving what they could not keep, endowed them with a Priviledge of saying what come uppermost, and doing whatsoever they have a mind to, to promote Sedition, in hopes at last the Faction may grow too hard for the Government.

Now there is so little in this Pretence, to support what they would build upon it; that were it not to disabuse the People, whose Names they use against their Wills, and to redeem their Understandings from being captivated, to such disingenious Interpretations of an imaginary Power residing in them, I should never have given the Malice of seditious Men, the Pleasure of taking Notice of what they urge so impertinently and saucily; but for the End above said I will ingage this Monster of Ingratitude, and shew, though King *William* is the King of our Choice, which methinks should endear him to us, yet he governs by a Right, superior to that of a popular Election, unless you will exclude God Almighty from his Prerogative, in disposing Crowns and Kingdoms.

'Tis true, King *William* like all other Princes in the first Ages of the World, came to the Crown, (without mentioning his Right of Blood) upon the single Account of his Merits, and the People's Choice, but for any Set of Men, to draw from thence a Pretence to use him scurvily, and treat him as coarsely as if they were his Equals or Superiors, is absurd and ridiculous.

No Community whose Consent establishes a Monarch over them, can have Power superior or equal to that which they have constituted: (provided he does not as the late King and others did, convert his Sovereignty into an arbitrary Power of Destruction, which in our Case, is not so much as pretended, by the worst of his Majesty's Enemies) for they have transferred the Power they had, by investing the King with the Sovereignty by a legal Establishment and Recognition; and after that, 'tis unreasonable and contradictory to assert they have it in themselves, unless they will make all solemn Oaths, and deliberate Acts, of no Validity. If he be a King he has the highest Power, and all his Subjects, in whatsoever Sphere they move are below him, whether single or collected. Tho' *England's* Constitution be a mixed Monarchy, 'tis a Monarchy: And

And though the Estates in their proper and distinct Orbs, are Sharers in the Government, yet this makes no Equality of Power with the King, for then the Government could not be a Monarchy, more than an Aristocracy or Democracy : And therefore wisely has the Constitution tempered this Affair, to prevent Contention and Parity ; in investing the Monarch with a Sovereignty so discreetly qualify'd, as he may not destroy the Mixture, nor the People with such a Power as might render the Monarchy titular and precarious ; but that their just Measures of Distance and Duty, might preserve the body Politic in Health, Peace and Vigour. Hence it is that the King is called our Liege, that is our lawful Sovereign, and we his Liege, that is, his lawful Subjects, and as such, can have no claim above it.

But that which puts an end to this saucy Taunt and Consequence of opposing the Power of the People to the King's Supremacy, because their Consent was necessary to his royal Installation, is what St. *Paul* urges as the principal Motive to Obedience, viz. that the *Apex Potestatis* the Power of Governing regularly imploy'd is of divine Institution, the Ordinance of God, not only as permitted by his Providence, but as appointed by his Will : That the Eternal is the sovereign Proprietor of Kingdoms, and though he make Use of Men to settle them, according to the Method his Providence directs, yet the Act is God's, and the King's Authority is from him, by a superior Character, than what the Populace can pretend to. So though the Estates of the Nation did confer the Sovereignty on King *William*, they were but the Instruments and Agents, for the Power and Right of transferring Kingdoms from one King to another, as from *Saul* to *David*, or from *James* the second, to King *William* the third, comes from God, who is Judge in these superior Causes, and puts down one King, and sets up another, and has such an Interest in disposing Power, that none must pretend to but himself. And though Men may chuse the Person, his Power is derived from God, more peculiarly than from the giddy Multitude, for by him Kings reign, and Princes decree Justice.

And this is more particularly King *William's* Case, than we shall commonly meet withal in History. For though King *William* delivering the Nation from Popery and Slavery, the People were just, and gave him what he earned ; yet 'twas the Power and Goodness of God Almighty in enabling him to do the Work which deserved a Crown, that pointed him out to the Reward, and as it were adorn'd his Head with a Glory, and marked him out with such an illustrious Character of Merit to the People, that they could not miss him in their Choice ; but must take him as the King already chosen by God, by such providential Occurrences, that in common Gratitude to his Majesty, or their own future Safety, they could not overlook him ; and now ought to respect and honour him as sincerely, as if an immediate Voice from Heaven had placed him in the vacant Throne, and said, this is my Vicegerent. His Power therefore seems to be the express Designation of God Almighty, and ought not to be sully'd by any Attribute below that Original, but owned and revered as a Participation of the divine Sovereignty, as was intended by God, when he first for the Good of Mankind put them under Government ; which being the Doctrine of the Bible, destroys all inferior Competitions, and stops the Mouth of clamorous and saucy Upbraiders ; unless they will set up for Atheists as well as Anarchists, and

and by forestalling us from fearing God, and honouring the King, by abusing Words, significant in their Meaning, would neither leave us a God to fear, nor a King to honour.

Another Source of our Discontents and ill Treatments of his Majesty, ariseth from a scandalous Custom of censuring the Actions of our Prince, keeping up Calumnies against the Court, and misrepresenting the Government, as if it were in Confederacy to destroy the Liberties and Priviledges of the Subject; which *Englishmen* are always so tenacious of, that they too greedily imbibe such false Reports, without examining from what Sort of Men they come, or their Design in publishing them; which if they would give themselves leisure to scrutinize, they would soon discover 'twas but the Artifice of designing seditious Medlers, to kindle Jealousies, and inflame the unthinking Croud into ill Words, Impatience and Distemper, and set them a lingring after more Liberty than they know how to use, to make Way for Tumults and Insurrections.

Public Good and the Liberty of the Subjects, are two excellent Words, when they are honestly used, and peaceably intended; but are tender Points, and cautiously to be insisted on, lest seditious Men make use of it to taint their Allegiance. And that this is the Design now on Foot, will appear by taking a View of the Liberty that is contending for, by the Mixture of various Interests against the Government; and it will soon appear, not to be a Freedom from arbitrary Impositions, illegal Exactions, and other ill Effects of a despotic Power; for these things are not pretended, no, but 'tis a seditious belluine Liberty of Saying, and doing what they please, that is struggling for. Not the Liberty that our Forefathers fought for, that was bounded by the Laws of Order, and public Good, but a Liberty of Contention, a Liberty of publishing malicious Suggestions, and false Representations of Things, that may be serviceable to the Faction! A Liberty to affront the King, to incroach upon his Prerogative, to lessen his Power, and subject the Rights of his Sovereignty, to the Caprichio's of every angry Intruder into public Societies, and a Liberty of improving and practising upon Fears and Possibilities, till they have brought us in Vassalage to themselves; whose hot and fiery Spirits, acting upon false Suggestions, can have no other Design but to amuse and confound us; and therefore the best Way to shield ourselves from the Danger and Delusion, is to judge of the Designs by the Men that promote them; for all the Arts employ'd by our known Enemies, though never so artificially disguised, under the specious Terms of Good-Offices to Public, that are but the sly Impositions of cunning Knaves upon credulous Fools, to advance their own Party: And for that Reason, when we see ill Men take up a Fit of Kindness for their Country, and appear better natured than consists with their Principles and avowed Interests, 'tis time to suspect a Fraud, and weigh their Words with their Practices, before we trust them further than consists with our Safety; for the Men and their Designs can never be parted.

Liberty is the greatest Glory of the People; yet if it be not bounded by the Laws of Reason and Discretion, 'tis the greatest Make-hate in the World, and tends directly to the Ruin of every Community, by the known Rule, that the best Things corrupted, become the worst. Liberty perverted into Contention for Superiority, in the very Design of the new Mixture, is but trappanning
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and deluding Men into real Slavery ; catching them into Nets and Snares ; and instead of putting Men upon considering every thing in its proper Place, and one thing with Relation to another, according to the Reason, Weight and Importance of the Action, before we proceed to Censure, it indulges intemperate Heats and Hearsays, and by the very Methods whereby Men think to assert their Liberties, they are taught by seditious Men to destroy them, for there is no such thing in the World as absolute Freedom.

Another Cause why Men are not pleased with the Government they live under, but by a continual Endeavour to subvert the sovereign Power, disturb it with Sedition, is a Desire of Immunity from Punishment, in such Persons whose Crimes have rendered them obnoxious to Laws ; for it being impossible, as long as Men are subject to Passions, but such Faults will be committed as the sovereign Power thinks fit to punish ; the Persons who have committed those Faults will indubitably seek to avoid the Punishment, by raising a Party able to resist the sovereign Power. And as Criminals seek to avoid Punishment for Crimes already committed, so those who know they are laying Designs to promote themselves and their Party, which are contrary to Law, and therefore cannot arrive at their Ends, but by invading other Men's Proprieties ; they will disturb the Government, that they may find Security in those Crimes, which for the future they resolve to commit ; and this they always attempt, by gaining Credit enough with the People to impose a Cheat upon them, by making use of the Names of Religion or Liberty, or some other like specious Pretence to gull them ; and to this End there is a Faction now among us, that to promote Fears and Jealousies, lately bagg'd their Pamphlets about the Streets, abusing the King under the Name of the Court ; and upbraiding and reviling the last Parliament, as if they had been the worst of Mankind ; but this we thought was only a Liberty taken in his Majesty's Absence, and the Interval between the old and new Parliaments, from whom we were in great Expectations, and hoped that the King's Return, and their Session would put an End to these Extravagances, and unite all the People in the true Interest of the Kingdom, and promoting the Advantages of a happy Peace, to which their Representatives were invited by his Majesty's most gracious Speech following.

My Lords and Gentlemen,

I Have no Doubt but you are met together with Hearts fully disposed to do what is necessary for the Safety, Honour and Happiness of the Kingdom ; and that is all I have to ask of you.

In Order to this, two Things seem principally to require your Consideration.

The one is, What Strength ought to be maintained at Sea, and what Force kept up at Land for this Year ; all that I shall observe to you upon this Head, is, that the flourishing of Trade, the supporting of Credit, and the Quiet of People's Minds at home, will depend upon the Opinion they have of their Security ; and to preserve to *England* the Weight and Influence it has at present, on the Councils and Affairs abroad, it will be requisite *Europe* should see you will not be wanting to yourselves.

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The second Thing I shall mention to you, as of great Consequence, is, the making some further Progress towards discharging the Debts which the Nation has contracted, by reason of the long and expensive War. In this the public Interest, as well as Justice is concerned; and I think an *English* Parliament can never make such a Mistake as not to hold sacred all parliamentary Engagements.

Gentlemen of the House of Commons,

I Do earnestly recommend these Things to you, that you may provide such Supplies as you shall judge necessary for these several Occasions.

My Lords and Gentlemen,

I Think it would be happy if some effectual Expedient could be found for employing the Poor, which might tend to the great Increase of our Manufactures, as well as remove a heavy Burden from the People.

I hope also you will employ your Thoughts about some good Bills, for the Advancement of Trade, and for the further discouraging of Vice and Profaneness.

The Things I have mentioned to you being of common Concern, I cannot but hope for Unanimity and Dispatch.

But notwithstanding this royal and seasonable Advice, so pathetically adapted toward the quieting People's Minds at home, the Sore soon broke out again at their seditious Clubs which they frequent both in and out of Parliament, to raise unnatural Heats and Jealousies, and from thence were artificially transmitted to superior Classes, to serve the base and ungenerous Ends of ungrateful People, and putting the Nation into Flames of Discontent and Divisions. These Meetings, as they influence other Actions, are the Sinks that pollute our Fountains, the Clouds that scatter Storms among us, and here the Men may be found, as well as in other Meetings, from whose primary Debates and Resolutions we expect all the succeeding Ills that attend us, from the bold Strokes at Monarchy that are made in other Places; and as the small Cells in *Rome* are said to contrive and determine Affairs before they are brought into the Conclave, and that they who would know what will be done by the Cardinals, must consult some of the minor Fryars; so there is such a Correspondence and mutual Agreement between these seditious Clubs and their Brethren in other Privilege Places in the Kingdom, that he that knows what's concluded on in one Place, may know what will be done in the other. For these Clubs being composed of a Mixture of Men, who having sowerd all the Generosity of Nature, make it their Business to calumniate the best, and mis-inform the worst of Men; and have to that End, insinuated themselves so far into the Societies of those that would be thought *Angeli Agentis in Rebus humanis*, the great Intelligences in human Affairs, that they have twisted their Interests together, and they have infused a perverse Spirit into some Men, that what one contrives the other acts, and what's said of one Meeting may be understood as the Designs of many others.

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King *William* having done all that honest Men could wish, or mortal Man perform, for the Glory and Safety of *England*, a Set of envious Men rose from their several Shades that had been long in the Design of eclipsing his Glory; and like the Council that was held by the *Jews* against our Blessed Saviour, say *What do we do? this Man does many Miracles, and if we let him alone all Men will believe on him*; so this late Intermixture of Men and Interests against his Majesty and Government, seeing every Day fresh Instances of his Goodness, and Arguments of his growing Glory; in Order to their main Design, united their Counsels, saying 'What do we do, if we let him alone, all his Subjects will admire and love him.' For notwithstanding all our former black Arts to disguise his Virtues, blast his Honour, and lessen his Authority, we find the People see through their own thin Pretences, the King survives our Scandals and lives to make us the common Scorn, and himself the People's Darling.

Let us therefore (say they) take his Prerogative a Peg lower, smite him with our Tongues, wound him with our Pens, and publish it through the Land, that he is not fit to be trusted with the Sword: Let us raise Fears and Jealousies, call his Soldiers a Pack of Cut-Throats and Murderers by Profession, and act as furiously as if the Calamities we pretend to fear, were felt already, and from the Experience of the Good he has done us, raise a Possibility of his doing as much against us; and by these Ways and Means, we shall turn his Friends out of the House, pack off his Domesticks, deprive him of the People's Love and Duty, and accomplish our own Wishes in restoring our old Master, or which is as well, invest ourselves with the supreme Authority.

These were the pious Resolves at a Club, held I think at the *Old Devil*, and from thence transmitted further, and order'd to be printed and published in several Pamphlets; which if I prove, will be sufficient to convince the World, such Designs against his Majesty and Government are on foot; and that there are a Set of People amongst us that promote and indulge them as Copies fit to imitate.

And that I may not trouble my Reader in raking old Dunghils, and searching after Pamphlets that are scarce, or not to be found, I shall take my Rise no higher than the Commencement of the Peace, and begin with a Pamphlet intitled *A Discourse concerning Militias*, wherein the Author has insinuated, that his Majesty is not to be trusted with the Power of the Sword, (a) and gives his Reasons for it in these Words,

'King *William* by Blood, Relation, and other Ties and common Interests, has the House of *Austria*, most of the Princes of *Germany*, and most of the Potentates of the *North* for his Friends and Allies; and can, whatever Interest he joins with, do what he thinks fit in *Europe*.'

And is not this a great Happiness to have such a Prince King of *England*, that has so many powerful Friends to assist him against the common Enemy. Can our Alliances be too great, can our Helps be too many? who could think 'twas in the Power of Envy to make an ill Construction of so great a Blessing, or that any could suck Poison from these additional Flowers to the Crown of *England*; and yet we see the Clubbers from these noble Advantages, have conjur'd up this Jealousy (b) 'What Security can be given, he (meaning the

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(a) Page 14, 15.

(b) Book and Page predict.

' King) will not make Use of this Power to suppress the Liberties of the People ?

Ungrateful People ! has not the Security been already given, in delivering the Nation when ready to sink into Ruin, and in consenting to such Laws as a Parliament proposed for your Safety ; and if after that they desired more, 'twas for want of asking, if you have it not. Is not the Good he has done a sufficient Security of his Majesty's Integrity, and a firm Ground for all his Subjects Acquiescence in his Conduct ? Have you any Reason to distrust him ? Can you think that he that ventured his Life to serve you, can have a Thought to injure you ? Away with these idle Fancies and causeless Jealousies, lest you tempt Men to think you want a greater Security for your Liberties than you are fit to be trusted with ; and like the frozen Snake, when you are warm'd by an over fond Indulgence, you sting your Benefactor, which among our modern Murmurers and seditious Interpositors would go near to find Indemnity under the undeterminable Name of the Liberty and Privileges of that Sort of People, who in quest of a popular Omnipotency, pull down all that opposes it, and chuckle every Faction whose Passion, Prejudice and other Circumstances contribute most to the carrying on that Design.

Now representing the King as a Monarch unfit to be trusted, being the topping Project, and the Foundation of all that was to be reared upon it, in Order to facilitate their future Purposes : It was agreed at a succeeding Club, which, as I take it, was held at the *Young Devil*, that the forecited Author having a Grain or two of Modesty too much for such a towering Design, that an abler Pen at bespattering Kings with invented Calumnies and Suspicions, should draw up their Reasons, and report their Resolutions on this Subject, while the Clubbers were idle and ill-natured enough to hear the same ; and they having lain a while upon the Table in the Club-Room aforesaid, where Sedition is as commonly vented, as at the Treason-Table in *Newgate*, or *Tom's Coffee-House*, out comes their printed Resolves in plainer Words, and more agreeable to the Sense of the Party, under the Title of *A Confutation of the Ballancing Letter* ; in which (c) are these Words delivered.

' A Standing-Army is making the Government absolute and arbitrary, and the Nation Slaves. It commands all our Laws, Liberties and Estates. To put this Power into the King's Hand, is to lay the whole Nation at his Discretion, and therefore, tho' we have honourable Thoughts of the King, yet we don't believe he deserves this Trust, nor can manage it faithfully. That he has neither Merit nor Capacity to intitle him to so entire a Confidence ; no, not if he had all the Perfections on Earth, as he has a great many ; nay, if he were an Angel he was not fit for this Trust.'

Are these the Products of your honourable Thoughts of the King ? Are these the Methods you employ to speak your Gratitude for his Majesty's redeeming you from the Slavery threatened, and possessing you of the Liberty you are making such very ill Use of ; that can, like the Man in the Fable, blow hot and cold, and with the same Mouth disgorge blessing and cursing, commend and disparage, applaud and distrust in the same Breath ? Are these Suggestions the honourable Ways and Means you take, like your tricking Predecessors of forty-eight,

eight, to make him a glorious King? Blush O Heaven! and let Earth stand amazed and tremble! Tell it not in *Gath*, publish it not in *Askelon*, lest the whole Nation be condemned, and included in the Guilt of a few seditious and ungrateful Members, that having received the Benefit of their Deliverance from his Goodness, durst not trust him with an Army to defend their Liberties, but would take the Sword from this Prince and force it upon the People, from whom, if they govern themselves by the leading Maxims and Humour now in Vogue, and striving to be uppermost; there is more Danger of a Rebellion, than of the Prince's assuming a despotick Power.

Sure these Gentlemen's Constitutions are over-run with the Scurvy, or *Atra Bilis*, for none see Phantoms and dread imaginary Dangers like hypocondriac Enthusiasts; or else they would ne'er have raised such mean, false and dishonourable Reflections upon a Prince whose Merits have given him a Name superior to all the Titles upon Earth, and earned him the entire Trust and unalienable Duty of all his Subjects.

What! has not King *William* deserved this Trust? O impious Calumny, horrible Slander, groundless Suspicion, that is daily confuted by Experience, and could be vended by none but whose avowed Designs are for doing further Mischief! What's become of the *Old English* Sense of Favours, and Gratitude to Kings that delivered them from Tyranny? Is it all dwindled into popular Caprichio's, and shrunk up into *Janisarian* Privileges? Has exempting us from the Fears of Jails, Inquisitions and *Smithfield* Fires, caused these clandestine Reproaches. Has the restoring our Religion, that ought to be dearer than our Lives, deserved no better Acknowledgment? Has the Purchase of our Peace and Liberty to enjoy it with Satisfaction, merited no more dutiful Returns than to affront his Majesty with their causeless Fears, retort his Kindness with hated Jealousies, and sully his Candour with vile Suspicion?

'Yes, (replies the Authors of them) (d) we have trusted the King with all we had, all the Rights of an *English* King, as the imperial Crown with all Dominions, Jurisdictions, Prerogatives and Preheminencies thereunto belonging: And yet in the Conclusion says, 'he ought not to be trusted with the Sword (which he calls a Standing-Army, tho' the other Author calls it as I do) for fear of enslaving the Nation:' and in saying that, he might as well have left out all the rest; for the Power of the Sword, which is a very extensive Word, is as much the King's Right, and as firmly vested in him by Law as any other of the Appendices, as the Crown; and since there are so many Lawyers that are the leading Men in these Clubs, it looks ill they should forget it.

And as to giving the Crown, let the Poet answer for me,

*As for the Crown you have bestow'd,
With all its Limitations,
The meanest Prince in Christendom
Would never stir a Mile from home,
To govern three such Nations.*

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For

*For if the Sword from th' King's with-held,
Which Laws have made his own,
Who knows but when the Megrims works,
Such wav'ring Christians may, like Turks,
Employ't against the Crown.*

Self-Preservation is a Principle in Nature never to be dropt, and by the same Rule that Men suspect, they give Cause to be suspected, which is only applicable to those that have rais'd the *Mormo's*; for all the Liege and loyal Subjects of *England*, that are true and stedfast to the King upon Rules of Honour and Conscience, had rather die if Occasion should require it, than hear his Majesty traduced or suspected. They say his Majesty has deserved more than *England* has to give: has merited the entire Confidence and Obedience of his People: and that after all the Experience we have had, to grow suspicious of his good Intentions, is to revile his Virtues, grow weary of our own Happiness, expose ourselves to Danger, and affront the Common-Sense of Mankind.

But seditious Men seldom do their Work by Halves, and therefore, as if it were not sufficient to unking his Majesty, they endeavour to unman him also, by saying he has no Capacity for such a Trust, to which I'll make no Answer; for such Efforts do not blast but brighten, and they that have the Confidence to assert that will boggle at Nothing; therefore, like Men that deny their first Principles, they are to be confuted with Scorn and Taciturnity: All the World admire the Strength of his Judgment, Ability of his Mind, and Dexterity of his Parts, which I dare not undertake to delineate; for to do it by the common Topicks of Comparison, would be a Diminution of his Greatness, and to form a just Idea of his royal, personal Capacities, or venture upon his Character, requires a Soul as great as his own, and it would be a Profanation in any vulgar Hand to attempt it: Silence and Admiration best commend Things above the Sphere of our Capacities.

Next, to scare People out of their Duties, as it is the common Practice of all seditious Conventicles, to ransack Stories for memorable Accidents and Prodigies, and having calculated them for this Meridian, amuse People with a superstitious Belief that the same Events must follow: So our Author (to the Credit of his Learning) tells us from Mr. *Knox* a lamentable Story to fright both Sexes out of their Allegiance, *viz.* (i) 'That in the Kingdom of *Ceilon*, there was a King. Strange! and that King had a Standing Army too. *Prodigious!* and his Subjects were wont to call him by a Name that signified next to God. *Horrible and dangerous!* and the People were such Slaves that they durst not speak to him in the first Person (singular Number, Preter-perfect Tense and Indicative Mood) and say, I did so or so, but *Baulagaut*, the Limb of a Dog did so. *Betrayers of their Liberties!* and if the King ask'd how many Children they had, they answered, the Limb of a Dog had so many Puppy-Dogs, and so many Bitch-Puppies. *Officers and Men that had Places at Court I warrant them!* And from this poor, crawling Fancy, ridiculous in its Application, and unpardonable for its Wit, he takes occasion to fall into a Fit of Devotion, and gives God Thanks we were not born Puppy-Dogs: And I wonder when his Hand was in and his Eyes up, he did not prescribe the Remedy to

to his Majesty's Subjects, to bring the King to Reason, and redress all these Mismanagements and Grievances, viz. Rebellion; for that he says, cured the King of *Ceilon* from (f) attempting to make himself the rickety Head of a languishing Body.

This Story big with an ill Design, as silly as it looks, was strangely admired by the Party, and tho' calcuted for nothing but Fools and Fire-sides, furnished them with new Matter against the Court, and the whole Faction was so full of that Whim that it larded all their Discourses: and you could hear of nothing but of Slavery and *Baulaugalizing*, arbitrary Power and Puppy-Dogs. The *Lobby*, the *Painted-Chamber* and *Court of Request* rung with the dull Fancy; and those that were not in the Mixture, in the Language of our modern Bullies, and new Converts, were all Sons of Bitches. Fine Language, but this is their Way of arraigning the Faith of Kings, and frightening timorous Souls from their Duty.

The great Point of slandering the King with Jealousies and Suspicions being thus far advanced, they reassume the former Debate about the Power of the Sword, and at a Club held, I think at the *Rose*, or at the *Long-Dog* at *Westminster*, I am not certain which, the Question being put, it was resolved, *Nemine contradicente*, and published in a Pamphlet called, *A Discourse concerning Militias*, That (g) nothing is so essential to the Liberties of the People, as placing the Power of the Sword in the Hands of the Subject.

And now you see what this Intermixture of Interests would be at, and what their Pretences of Liberty amounts to, viz. to tie up the King's Hands and to arm their own with the Power of the Sword, and then, Good Night, Landlord. Either we must have one Popish King, or four hundred arbitrary Sovereigns; and of these two Evils which is most eligible is as great a Difficulty to determine, and therefore I'll return. I wonder when these Gentlemen's Pens were in, or their Mouths open in the Club, they did not claim the Crown also, for that would have stopt many a wide Gap in their Fortunes: and it is as essentially necessary that they should be both in one Hand, as that Majesty should have a sufficient Power to defend itself: For as Times go, and Subjects which have found Protection from their Prince, and have no just Grounds to suspect any Prejudice from him in their Laws, Liberties or Estates, yet enter into Diffidence of him, and being led by Passion, false Consequences, Envy, or Ambition, endeavour to subvert his Government; it is essentially necessary for his Safety, that the sovereign Prince should be arm'd with something more than his own Innocency and Integrity, to repress seditious, aspiring and unreasonable Subjects; But to return from this Digression, let me ask these Gentlemen a short Question or two. First,

Since Things are not ripe enough yet for the Intermixture to tell their Names, appear in their own Dress, and say, if they could wrest the Sword out of the Hands of King *William*, they would restore it to the late King *James*; which, tho' first in the Intention of giving these Disturbances, must be last in Execution. I would fain know, since there are so many Factions among us, and all, tho' fit for nothing else, imagine they are capacitated to govern, to what Sort of People in *England*, they would commit the Power they are contending for, and whether they

they have considered the Impracticableness and Danger of this baffled Project. Will they commit it to the Papists, to the Church of *England* Men, the Presbyterians, the Independants, the Anabaptists, the Fifth-Monarchists, the Socinians, the Muggletonians, or the Quakers; and whether their Disappointment would not be equal to their Folly. For if they should give it to the Papists they'd restore it to King *James*, and that would displease, as well as expose the *Williamites*. If they should commit it into the Hands of the stanch Church of *England* Men, they would be sure to give it again to King *William*, and that would enrage the Jacobites and Republicans. If they should give it to the Presbyterians, they would keep it themselves and set up a Commonwealth, seize the Kings and the Church Lands, and disoblige the Monarchists and Episcopal Party. If they give it to the Independants, instead of beating the Sword into Plow-shares, they would hammer it into bloody Axes. In short, the Anabaptists would demean themselves here, as they did to the Princes of *Germany*. The Chiliafts would keep it in their own Hands 'till Christ came; and the Socinians would dethrone him from being a King, as well as from being a God: the Muggletonians would bless none but themselves with Offices, and curse all the World besides with Incapacity and Poverty, and the Quakers have been so accustomed to heave the Glass and Noggin to their Heads, that they will let the Sword drop out of their Hands, and suffer all (like themselves) to run into Confusion. And this Game having been once played already, 'till each vigorous Pretender had supplanted the other, and at last were found to settle on the antient Basis Monarchy: 'Till they can agree where to place it more beneficially to the Conservation of our true Liberty. 'Tis best to let it remain quietly in the Hand where it is.

The Gentleman that published, *Considerations upon the Choice of a Speaker*, has told us (b) 'twas the Observation of the Lord *Burleigh*, (and he was counted a very wise Man) 'that *England* can never be thoroughly ruined but by a Parliament, and I believe the antimonarchical Clubbers who make such desperate Stoops at the regal Power, and would leave his Majesty nothing but an empty Name think so too. For the *F's*, the *H's* and others that set up for the Vanity of speaking long and impertinently, having talked themselves out of Breath, and the whole Audience out of Patience about where the Power should be placed, the Club came to this Resolution, which is published in a virulent Pamphlet, call'd *Considerations upon the State of the Navy considered* (i). That if the Grievances continue the Commons may at last be forced to take the Management of the Navy, and dependant Officers into their own Hands, by appointing Commissioners of their own, and this seems rational enough, that those that are at the Charge should superintend the Management of the Affair.

All Proceedings have their Course and Train, and by the Wake Men steer, you may easily guess to what Port they are bound. The Designs of these Men by their working, is to shake our fundamental Establishment, and under the Appearance of Liberty, to shrivel his present Majesty into an Emperor of the Moon, and therefore trace those Measures in which others of the same Kidney were successful, in hopes of the same Event, and will run from one Degree of Wickedness to another, 'till they have obtained what they aimed at. Their last Demand related to the Land-Force only, and now to shew they will never be
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satisfied with any thing 'till they have possessed themselves of all. The Management of the Navy, and dependant Offices must be seized into the Parliaments Hands, which being agreed on by all Sides to be the Strength of the Kingdom, you may guess how unreasonable they are, and what Usage his Majesty must expect. See by what Tricks they introduce the Scheme of subverting the Government: for, as if they believed the Lord *Burleigh's* Notion, what they lurch from the King they would bestow upon the Parliament for that End, and no Question but with the same Design at Bottom of it as their Forefathers had in advancing the Rump; make them their Tools to ruin the King, and then turn them out of Doors and erect a Frippery of their own. They are very kind Souls, and would give the Parliament what they won't accept as they are wise and can't accept, while they continue the Character of being his Majesty's most loyal and dutiful Subjects, the Commons assembled in Parliament.

This seeming Kindness to the Parliament is but a Trick of the old Trade, to lessen the King's Authority; for investing the Parliament with the supreme Authority of *England*, is as great an Error as the Design to make them so is mischievous, for they must meet, and sit, and act as Subjects, and under that Denomination 'tis Nonsense to call them the supreme Authority. They that would make the Parliament greater than they are, do but ridicule their just Authority; and new minting Phrases to take away their Subordination, is only intended to raise Heats and Animosities in the Kingdom. I know 'tis one Piece of seditious Men's Policy to represent those that truly love and faithfully serve his Majesty as if they were Enemies to Parliaments; but herein they act like *Pliny's* malicious Animals that had their Poison in their Tongues and Gall in their Ears, and will neither speak nor hear but what sets Men at variance. There is no Body of Men so universally and absolutely good, that it can be any Harm to wish some of them were better. Nor is it any Disparagement to Men's Understandings, to say, they are not always infallible; nor no ill Wish, that no Men would act as if they were so. Our *English* Parliaments are the happiest Constitution in the World, and notwithstanding all their Faults and Excises which have given great Dissatisfactions to the considering and sober People of *England*, and have been sometimes very troublesome to the supreme Authority by a peculiar Fondness of their own Notions, yet they are to be had in great Veneration, and will be so by all that understand themselves: Whereas those seditious Men that would clothe them with a political Omnipotency, and rob the King to enrich the Parliament, are the greatest Enemies to the Constitution.

The Reason why the Parliament should take upon them the executive Part of the Government, as their factious Authors would have them, is, because they that are at the Charge ought to superintend the Affair. Which is a Notion so injurious to our Constitution that it overthrows the Structure, and levels all before it. For tho' there are some ill instructed Men, that have boldly disputed for a co-ordinate Power in the Parliament, yet, 'till the Publication of these Resolves no Bayard has been so blind, nor Wretch so impudent (pardon the Expression) as to give them the whole executive Part also. Every parliamentary Address and all our Laws speak the contrary. For when according to their Duty, they have propos'd what is requisite to be done, they pray his Majesty

to take care that it may be executed, now the Power these Men assume in delegating the King's Prerogative to the Parliament is no less injurious to their Honour, than prejudicial to the King; for the Inference they suborn to colour the Presumption is no less than if they had said in plain Words, since you have the Power of the King's Purse-strings, puzzle his Affairs; cross all his Politicks; tire him with troublesome Tasks; confound his Ministers with cross Purposes; deny him what you think he desires; advance whatever you think will displease him; take Advantages of the Necessities of the Crown and Creditors wanting their Money; Keep the Exchequer poor, and as the Word is, let him know who and who's together; and in fine, compel him to buy supplies at the Price of his Sovereignty, and establish yourselves perpetual Dictators, the Power is your own, and now's the Time to exert it.

What barbarous Humours and unnatural Presumptions govern these seditious Clubbers, who would tempt the Parliament to embarrass the King's Affairs, and take the whole Administration of the Government into their Hands, which is the King's Right by all the Laws of *England*, and because they have a joint Privilege of granting Supplies, would invest them with the supreme Authority of the Nation to controul and govern all Things at their Discretion, which is an Error as great as the Design to promote or engross it is mischievous; for the Parliaments have no such unlimited Power, and only act in Concurrence with the King. For as the King cannot raise Taxes without Consent of Parliament, so the Parliament cannot do it without the King. Laws do not take their obliging Force from the Quality of those that devise them, but from the regal Power that enlivens them from dead Letters into speaking Laws. 'Tis the royal *Le Roy le Veult*, The King will have it so, which is the imperative Sentence that gives every Law a Being, and is pronounced in passing every Act of Parliament. So that these bold Donatives and Demands, illegal Suppositions and vexatious Disputes are so far from asserting the People's Right, as is pretended, that they utterly destroy them by unwarrantable Encroachments and Additions, and in the whole are but the Froth of seditious Intermeddlers, the Transports of wild Desires, and the Gratification of some unreasonable Men, that never did, nor never will do good to *England*, 'till they govern themselves by better Principles, and prove their Conversions real, by more loyal Practices.

Hitherto I have only shew'd you what the Mixture of various Interests have been plotting, towards the accomplishing their main Design of subverting the Government, and reducing the Nation into a State of War and Confusion, which some will think are Crimes too black to be heard of among Christians; but so degenerate is the Age, and so abominably wicked are this Sort of People, that that which precedes is nothing to the tragical Scene that is opened in the afore-cited Pamphlet (*k*) viz.

'The Government is built upon this Foundation, that Kings are accountable to their Subjects, and that upon Forefature of their own free Will and Power they may proceed to a new Election, and place one more righteous upon the Throne.'

A bold and impudent Assertion, and as far from Truth in the Design of our Laws, as light is from Darkness, and the Club that vomited up this Position, and

and the Men that do comment upon it by their Practices, and act like People spotted with the Plague, being incurable themselves, they have yet the Pleasure left of infecting others, which I shall endeavour to antidote by shewing that extraordinary Proceedings are not to be produced as Precedents, but upon the same Occasions, for the Laws of *England* have taken such Care of the King, and his Authority, that they have made his Person sacred and his Rights inviolable; but that I suppose which misleads People into that pernicious Error, is misconstruing the Proceedings against the late King, which is as full a Confutation of that Principle as can be imagined, if rightly apprehended, for that the honourable Convention might not seem to make dangerous Precedents to Posterity, give the People a scandalous Authority, or render the Monarchy of *England* precarious, and not worth Acceptance, they cautiously and honestly avoided such Pretences and settled the Nation (1) 'upon the express Renunciation of *James* the Second, his voluntary withdrawing himself out of the Kingdom, and the Necessity of providing for the Nation when the Throne was vacant;' and therefore would never depart from the Words Abdication and Vacancy of the Throne. So that what the Convention did upon that extraordinary Occasion, was when the late King went hence, but shutting the Door after him, which the Mixture of various Interests are now endeavouring to open with Picklocks of their own inventing, and I question not but if they had Power to their Will they would make Use of their *Betty's* also. For, whereas some modester Men build this popular Notion only upon a King's open Violation of the original Contract, converting his Sovereignty into a Power of Destruction, and restrain that also to Cases apparent, evident and certain, these wretched Men, having none of these Things to pretend against King *William*, threaten the Nation with a Dissolution of their Monarchy, for no other Cause than the Mismanagement of the Ministry, and for that Reason only say, (m) 'tis time to think of another 'Form of Government;' which sums up their Designs in a few Words, and calls for a parliamentary Prevention, lest Men, under the Apprehension of the Danger threatned, should be tempted to think that the Evils they neglect they tolerate, which God forbid!

Having thus discovered the Designs of the Mixture, let us look into the Causes they assign to justify their Practices. And here I encounter such palpable Contradictions, that would give me more Trouble to find out a Method, than Matter to refute them, if I were not obliged to them for prescribing one; Fears, Jealousies and Suspicions are the unhappy Parents of their lewd Proceedings against his Majesty and Government, and yet almost in the same Breath, confess they are secured from all Apprehensions of Danger during his Reign. So that by their own Acknowledgment, their Fears are foolish, their Jealousies causeless, their Suspicion undeserved, and makes it my Task to prove them so, which I shall do very briefly.

'Tis a true, but unhappy Character of a particular reigning Faction against Monarchy, that they are so given to Leasing, that though they had Truth on their Side, yet it 'would never please them 'till they had dressed it up and set off with all the Colours of Folly, Falshood, and Calumny, and in much larger

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Measure

(1) *Vid.* Vote of the Convention of Jan. 28, 1688.

(m) Page 14.

Measure must we expect these Additions, when all these joined with Prejudice promotes them. What can we think more ridiculous than spreading Insinuations that the King is not in the Interest of his People, which is such a plain Contradiction they might as well have said he was divided from himself. For their own Consciences, if they have any, and they would give them leave to speak, must say that in all the Circumstances of his Majesty's History, he has so abated his own Grandeur, so bountifully scattered his Favours amongst us, and so little considered himself, that no King ever did so much, no mortal Man could do more, to convince the World, that as he had no other Intentions in his coming hither than to preserve our Religion, Laws and Liberties, so it has been his Endeavour, ever since, by a just Administration, and even balancing all Interest at home, and exposing his dear Life abroad, to advance the Welfare and Glory of the Nation, as you might have heard from his royal Mouth, in his most gracious Answer to the Commons, address'd *March 25, 1699.*

‘ I came hither to restore the ancient Constitution of this Government ; I
 ‘ have had all possible Regard to it since my coming, and I am resolved through
 ‘ the Course of my Reign to endeavour to preserve it intire in all the Parts of it.
 ‘ I have a full Confidence in the Affections of my People, and I am well assured
 ‘ they have the same in me, and I will never give them just Cause to alter their
 ‘ Opinions. It shall be my Study, to the utmost of my Power, to perform the
 ‘ Part of a just and good King : and as I will ever be strictly and nicely careful
 ‘ of observing my Promises to my Subjects, so I will not doubt of their tender
 Regards to me.

Let all his Majesty's Actions be tried with the strictest Scrutiny, and if they be taken as they ought, in Coherence with his great Design of preserving the Honour and Safety of the Nation, his whole Life will appear just and equitable ; but if Men will lay their false invented Fears at the Doors of his royal Palace, that were begot and nourish'd in their own Houses, catch here and there a Snap, without examining the Reason, Use and End of every Action, which also by the way may not be fit for them to know neither : for every Head is not fit to pry into the Closet of Princes. Reasons and Maxims of State are above their Reach, and looking upward will but turn their Brains, and make their Heads giddy, which are too much afflicted with the Megrim already. I say, if they proceed so clandestinely, they may run into an eternal Circulation of Jealousies, slander the best Government in the World, and make *Quidlibet ex Quolibet*, find Treason in the Laws, and pick Blasphemy out of the Holy Bible.

Let the King's Enemies if they can, give us one single Instance wherein he has not been just to the Constitution ? What Law has he broken ? What Rights of the People has he invaded ? What new Pretences of Prerogative has he invented ? or wherein has his Majesty stretch'd those that are the known and allow'd Rights of his Crown, to the Prejudice of his Subjects ? or what has he omitted that might conduce to their Happiness ? Did the King ever stop his Ears to any reasonable Petition ? Did he ever deny Justice to the meanest Subject, or refuse shewing Mercy where it was needful ? No, in his Majesty they have

have nothing to revile but his Virtues, and were it fit to mingle his Glory with the Jealousies of the Mixture, they could never be so perfectly summed up, as in their Opposites.

How unreasonably do Men argue, that would make Jealousies, Conjectures, Hearsays, Fancies, and Reports, a Ground to raise Suspensions upon, against a King, whose Life and Actions confound all such Pretences: and yet such Brutes are found among us, that notwithstanding all his Majesty's bountiful Concessions, raise evil Surmises, and make seditious Comments, and ungrateful Returns to his Goodness, forget their Obligations, by growing weary of their Duty, and would persuade the World, that the King is not in the Interest of his People, because they are in none but their own.

And now having answered the first Cause they assign as the Reason of their Fears, I proceed to the next; which is as unreasonable and ridiculous, as the former is false and scandalous, and both confute themselves.

Those Pseudo Patriots, that by improving and practising upon Fears and Impossibilities, would cover the Affronts and Indignities they put upon his Majesty, confess there is no Danger to be expected during his Reign, and give these substantial Reasons for it * 'Because he is our *Moses*, and has delivered *England* from a Captivity, equal to that of the Children of *Israel*. A Prince whose Life is so necessary to the Preservation of *Europe*, that both Protestant and Popish Princes, forgetting their ancient Maxims, and innate Animosities, made it their common Interest to chuse him their Patron and Protector; a Prince in whom we know no Vices, but what have been esteemed Virtues in others, viz. His undeserved Clemency to his Enemies, and his too much exposing that Life, upon which depends not only our Safety, but the Liberties of all *Europe*, and the Protestant Religion through the World; and yet to spoil their Kindness, usher in an Inference, that tells the Reader they give no Credit to their own Elogies, for after they said, 'If this most excellent Prince was as immortal as his glorious Actions, we ought in common Prudence, to abandon all Thoughts of Self-Preservation, and wholly rely on his Care and Conduct.' They are pleased to add, what was the mighty Argument of their Party in another Place; 'That since no Virtue, nor Pitch of Glory, can exempt him from paying the common Debt to Nature, we ought not to intrust any Power with him, which we don't think proper to be continued to his Successor!' A poor Shift, God wot, to support Ingratitude, and might have been better solved, by agreeing to be civil to him during his Life, than by making his Mortality an Argument for the Exercise of ill Manners, promoting Fears and Jealousies, and aspiring after his Sovereignty; for by these Policies the intermixture Work, that say in effect not this King, but another King, or a Form of Government 'that would have no King in *Israel*, that the Seditious might do what was right in their own Eyes, act like Men of Authority and not as the Scribes;' for then they will want no collateral Security for their Privileges, when their Reasons are in their own Hands, and the supreme Power placed in that Sort of ill-natured People, whose Understandings grow downward, and affront a good King in being, because it is possible a bad one may come hereafter, which is an Absurdity never equalled, but by those Members of the same

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Club,

* Argument against a Standing Army, p. 9.

Club, that affirmed among other Debates and Resolutions *, 'That the most likely Way to restore King *James*, is maintaining an Army to keep him out: Or a Gentleman that said, the late Noise of an Invasion from *France*, was a Trick of the *French* King's to keep up a Standing Army in *England*.

To slander his Majesty in his Honour, and the good Esteem of his People, not for any thing he has done, or that they fear he will do, but for what possibly another King may do hereafter, is either a senseless, or a very malicious Way of arguing, and makes all their Panegyrics on the King, look as if they were formed from the deepest Malice and Prejudice, and were only the Arts of the Mixture, under Profession of the greatest Veneration, to diminish the Person they pretend to magnify, and to use their own Words, is 'cutting a Man's Throat with a Feather;' for though a preventional Prudence, in stifling ill Consequences in their Causes, and obviating Mischiefs in the Bud, is very commendable, yet to make a Danger real where it is but imaginary, to act as if it were in Being, that is as far distant as the next Generation, to suspect a King in the Throne, for the Fault of a King that may be yet unborn, and from a bare Possibility of Power being ill employed, to act as if it were so, is but struggling with Phantoms and Chimeras, and enflaming the People with senseless and seditious May-be's. A King of *England* a hundred Years hence, may be a Tyrant; must we therefore be rude and ungrateful to the King in being, whom we confess he neither has, and believe he never will do us Injury? It may happen in the next Generation, a King by the Exercise of a despotic Power, may deprive the Subjects of their Liberty, must we therefore ravish the Rights of the Crown from our present Monarch, that by his Valour has regained, and by his Goodness preserves them? We may be wronged by an Enemy, must we therefore suspect our best Friends? and because the World must be destroyed by Fire, must we run with Torches in our Hands, and burn our Houses now, in Dread of the general Conflagration? Surely none are so mad to grant it! and therefore to strike People with dreadful Expectations, of what may happen we know not when, and set up Possibilities and Contingencies to unravel and perplex present Affairs, smells rankly of a Design, and that our new seditious Interpositors would enslave us, first to their Principles, and then to their Persons, as their Predecessors have once done already.

Our Miseries are endless, if we stand in Fear of Possibilities; for as there is nothing we fear so certain of coming, as 'tis certain that many Things we fear will never come, we should hope the best, and not by Treachery, Cowardice and Distrust of Providence, contrive and enlarge our own Unhappiness; for this is to die for Fear of Death, and ingulph ourselves into certain Misery, upon invented or ill-grounded Apprehensions.

This Design of amusing the People, with Evils that might happen from a Standing Army being on Foot, how did the Mixture of Interests, by pretending to read his Majesty's Thoughts in that Affair, draw such unnatural Consequences, and retort such disingenuous Reflections upon his supposititious future Conduct, as was unsufferable in hearing, and undutiful in reporting; and yet how coolly, sedately and wisely did his Majesty manage himself in that whole Affair, and silenced all that slandered his Intentions, as if he would govern by

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* Arg. cont. Stand. Army, p. 28.

a Standing Army; for though possibly his Majesty might be of Opinion (as well as thousands of his Subjects of celebrated Intellects and considerable Fortunes) that as public Matters were then circumstantiated, a greater Land Force was necessary than what was talked of; yet so great was his Desire and Endeavour to allay the Heats, that some Men were raising upon that Subject, that he suffered the Quiet of his People to prevail upon his Judgment, and as soon as the Bill for disbanding the Army was ready for the Royal Assent, he immediately passed it; and to that great Example of Self-Denial, made the following Pathetic to the Parliament's Speech, *February 1, 1698.*

My Lords and Gentlemen,

I Came to pass the Bill for disbanding the Army as soon as I understood it was ready for me.

Though in our present Circumstances, there appears great Hazard in breaking such a Number of the Troops: And though I might think myself unkindly used, that those Guards, who came over with me to your Assistance, and have constantly attended me in all the Actions wherein I have been engaged, should be removed from me; yet it is my fixed Opinion, that nothing can be so fatal to us, as that any Distrust or Jealousy should arise between me and my People, which I must own would have been very unexpected after what I have undertaken, ventured and acted, for the restoring and securing of their Liberties.

I have thus plainly told you the only Reason which has induced me to pass this Bill; and now I think myself obliged, in Discharge of the Trust reposed in me, and for my own Justification, that no ill Consequences may lie at my Door, to tell you as plainly my Judgment, that the Nation is left too much exposed.

It is therefore incumbent upon you, to take this Matter into your serious Consideration, and effectually to provide such a Strength as is necessary for the Safety of the Kingdom, and the Preservation of the Peace which God hath given us.

The House of Commons, in an Address, were pleased to tell the King, that the passing the Act for disbanding the Army, 'Gave great Satisfaction to his Majesty's Subjects; and that his Compliance with the punctual Execution thereof, would prevent all Occasion of Distrust or Jealousy between his Majesty and his People.' And one would have thought it could not have missed that great End. Yet there were a Remnant at several Clubs, that, reaching after sovereign Power, like the Bay of *Biscay*, are always tumultuous, let the Wind blow where it will, that were more enraged and disturbed at his passing the Bill, than they were before on Pretences he would not: and at several Cabals, (to use their own Words) said, 'The King had cross-bit them, foiled them at their own Weapons, had broken their Measures, and removed a Pretence, which they hoped would have been a lasting Subject of Complaint, and keeping up the pretended Fears of arbitrary Government.' Insomuch that a Gentleman of no small Figure in public Affairs, upon reading his Majesty's Speech above recited, in great Passion swore, 'G— d— me, 'tis impossible to circumvent

‘ cumvent this Gentleman, (meaning the King) he countermines all Intrigues, and will govern us in Despight of our Teeth.’ At other Clubs some Members of the Faction raved against the Bill, because it had left ‘ Seven thousand ‘ Cut-Throats’ yet in *England*, whereas there ought not one Red or Blue Coat to have remained on this Side of the Water. In hopes, I suppose, they being disgusted, under Resentments of the Slight, they would immediately transport themselves, comply with the Court at *St. Germans*, and assist them in the Restoration of Popery and Slavery: Or otherwise, by leaving the Nation defenceless, we might have no Benefit by a Peace, that cost the Kingdom so great an Expence of Blood and Treasure: For whatever these Men pretend of the Zeal of *Englishmen*, in the Defence of their Country, and the no Need of Swords in Times of Peace; they do but arraign their own Politick: ‘ For ‘ that Peace which puts People out of a Condition of Defence in case of a War, ‘ must expect a War;’ and such a State as leaves a People at the Mercy of an Enemy, is worse than a War itself, unless we could persuade our Neighbours, to be as supine and negligent as they would have us be; for otherwise, our Sloth and fancied Security is but an Invitation for them to over-run us, or cut our Throats while our Hands are tied behind us: The Pretence of relying solely upon our Fleet renders our Safety as uncertain as the Wind and Weather; for if, in Time of War, when we had the Assistance of a Neighbouring Fleet, in Conjunction with our own, besides a powerful Confederacy by Land, yet found we had enough to do, before we could bring our Enemies to any tolerable Terms of Peace, it would be the greatest Folly in the World, to depend upon a single uncertain Help, when we might be subdued before we could put ourselves into a Posture of Resistance at home, or expect it from abroad. As weak is the Pretence of relying upon our Militia, which for ever will be nothing but a raw and undisciplined Multitude; and to trust to it, is to combat Wolves with Sheep, to let go a real Security, and rely upon an imaginary one. The Project of making the Militia serviceable on all Occasions, is still in the Clouds; and the insuperable Difficulties they meet with in producing the Miracle, and the Delays they give us in forming the Stratagem, tempt us to think, they are at last fallen into the other Notion, viz. ‘ That regular and disciplined Troops are far superior to the best and strongest Militia in the World; that Experience and Discipline make an Army serviceable; and where the Security of a Nation requires a martial Strength, it is ‘ ridiculously impolitic to disband the Learned only to teach the Ignorant, ‘ and put the Government to the Toil and Expence of making Officers and ‘ Soldiers, when we have them made to our Hands.’

There is nothing but Contradiction, and an inflexible Humour, govern this sort of People; for after they had lost their vain Fears of arbitrary Government, in the Character they themselves give the King, they shelter under the Danger that might arise from the Army itself; and yet after all the rude and ungenteel Language they give both Officers and Soldiers, yet at last the Power of Truth has forced them into this ingenuous Confession, * ‘ That what they ‘ have said against Standing Armies, they would be understood of such as are ‘ Instruments of Tyranny, and their Country’s Ruin, and not of our present ‘ Army,

* Argument against a Standing Army, p. 30, & 31.

‘ Army, which was raised by Consent of Parliament, in the just and necessary
 ‘ War; and next under God and our great and glorious Deliverer, have, by
 ‘ their Bravery and Conduct, preserved our Liberties, and the Protestant Re-
 ‘ ligion through *Europe*.’

There are a sort of Talkers that ought to have good Memories, and these seditious Bablers, though they have an excellent Faculty in the former, they are extremely defective in the latter; for it was this very Army, that next to God and our great Deliverer, have by their Bravery, and Conduct, preserved our Liberties, and the Protestant Religion through *Europe*, that in other Places † they call common Cut-Throats and Murderers by Profession, and under those hard Names, move, that there may not be ‖ One Soldier left in *England*. It is a great Shame and Pity that the Army have not the Privilege of bringing Actions of Slander against the Mixture, for as every injured Person and Fraternity ought to have Reparations proportionable to their Sufferings by slanderous Tongues; so I am very confident, the Freeholders of *England* would give them swinging Damages, where the Aggressors confess the Action. Well,

Since then, by their own Confession, there is no Cause of Fear from the King, nor Danger from the Army, it is worth our further Enquiry, what has raised all this Dust to choak us with Jealousies and Suspensions, and after all the Reputation we have gained in War, would sink us into a dangerous Remissness in Time of Peace, and upon remote and invented Fears of Danger, that will probably never happen, expose ourselves to those which we must certainly look for, as soon as we have put ourselves out of a Capacity of Resisting, by disbanding the whole Army, and the Reason I meet with in an ingenious Author, viz. Because a sort of Men set up for wonderful Patriots, grow jealous of the Prerogative, and commence Zealots for Public Liberty, who, in the late Reigns, though we had not only the justest Causes of Jealousy, but all the Certainties of Evidence, that Arbitrary Power was erecting; yet some of them were silent, and others that went into them with as hearty a Zeal for Arbitrariness, as they seem now to put on for Liberty, and in the late War laboured hard to lay us open to Invasion and Conquest, what they could not compass during the War, are endeavouring to accomplish now, by all the Arts imaginable, and leave no Stone unturned that may make a Step to our Confusion, and their own Advancement; but this Affair being determined by the King and Parliament, I shall add no more but my hearty Wishes, that there may never be an unhappy Occasion, by the Malice of our foreign Enemies, or the Treachery of the Mixture, to convince us by a dear-bought Experience, who were were in the Right. However,

Though this Matter is at length accommodated, as you have heard already, to shew their Envy, Covetousness, and Ambition, is never to be satisfied, till themselves be in Office, or all overturned: they reassume their never-failing Topics, arbitrary Officers and Mismanagements, and through the Sides of his Ministers, wound his Majesty in his Honour, and under the general Name, and Cry against the Court, reflect upon his sacred Person; for though they do

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† Argument against a Standing Army, p. 29.

‖ Answer to the Ballancing Letter.

not explain it in Words at length, but hide themselves under dubious and ambiguous Terms, their Meaning is as intelligible as that it is Day when the Sun is upon the Meridian. None but the King has Power of modelling the Court, or exchanging the Ministry; and they might as well say, the King was the Head Conspirator to introduce the pretended Slavery, as to say he appoints the Instruments to accomplish it: and how they will reconcile this, either with the Character they are pleased to give them, or the profound Respect and Duty they pretend to owe him, is past my Understanding.

I am no Advocate for ill Ministers, and they that know who are such, would do well to tell them so, or apply themselves where the Discovery will be welcome, and Mismanagements redressed; and if they do not take the legal Method of convicting such Offenders, their Pretences will, by all that understand themselves, be censured, like Sir *H. D. C.*'s Petition, to be frivolous, vexatious, and scandalous. I know they will answer, it is none of their Business: and I must reply, they do ill to concern themselves with that which is not; for it is less every Man's Duty to rail, than to seek to remedy what they know is amiss: and if they know it not, they are much more to blame, to make worthy Men's Reputations the Subjects of idle and envious Banter, unless they covet the Name of Busy-bodies, or what is worse, common Slanderers.

There is a blind Side, and weak Part in the Populace, that easily yields to any Assault, which all that sow Sedition endeavour to secure to themselves, and that is, they naturally love to hear Great Men spoken ill of, and are never better pleased than when their Ears are drummed with rancorous Discourses and malicious Insinuations against their Superiors: which the Mixture knowing, they frequent public Places, and without considering their own Quality, and the Port they ought to keep, associate with all Companies, to exaggerate the Faults and Misfortunes of the Government, which they always do to the Height, and make every Mole-hill a Mountain, every Gnat a Camel, every Slip or Stumble a dangerous Symptom of approaching Ruin, and hint them with such a Superfetation of Fears and Jealousies, as if the whole Frame of Nature were dissolving, and the World on the Brink of Ruin, by the Mismanagement of those they are pleased to call ignorant and ill-designing Ministers, and then sigh out Damnation against them, with such hideous Accents, as engages their Auditors to believe and publish them, and by these little Artifices of the Mixture, false Reports are spread, and the King and Court traduced, when there is no Cause or Reason to give them Credit. Hence ill Constructions are put upon useful and innocent Actions. Ill Turns are given to well intended Designs, and every Trip in the Administration is magnified by unjust Aggravations, without making an Allowance for the Difficulties, under which the Ministry for many Years have laboured: in maintaining a War by Sea and Land, when our Money was debased, our Credit sunk, and almost at an Impossibility to retrieve it: besides the Care and Thought, in uniting Men of different Parties, different Principles, and different Interests, to contribute towards the common Preservation: which no Man knows the Trouble of, but those that underwent the Burden of it, which if impartially weighed, and considered, with due Regard to the Circumstances of the Time, and Necessities of Affairs, it would not only cool the Heat of their Enemies, but merit the Applauses

plausives and Thanks of those very Men, who are so forward to condemn them, without considering how much the Government is weakened, and the Honour and Reputation of it broken, by these ignorant and ungrateful Underminers.

No Government on Earth is so completely perfect, but something will be amiss in the Administration, and some unhappy Occasions of Complaints will arise; but the Ways by which the seditious Intermixture manage themselves, plainly discover their Designs are not to rectify Disorders, but to countenance their own Clamours against the King and Court, because they are not infallible; whereas a modest and sincere Intention for the public Good, would first consider how far promoting such Suggestions would carry them, since if they look back but a few Pages into our History, they will find that the same Complaints have already kindled a War, and many a doleful Tragedy amongst us. 'Tis impossible to know what they mean, by what they say, for they take the Measure of Good and Evil, not from the Nature and Tendency of Actions, but from the Characters of Persons, and they are elected or reprobated, as the Persons are esteemed for, or against the Party, to which their natural Propensities, or sordid Interests incline them, and being tinged with Malice and Malecontentedness, they think nothing more their Duty than to feed and cherish unnatural Heats and Divisions, till they can blow up the Sparks of their Phrensy into public Combustions. 'Tis their natural Humour to dislike, and as fast as they are able, subvert every established Government; and it is no Wonder, for what can restrain Madmen from railing at their Keepers, and Governors, and the Laws, which fetters them up from those Outrages, that they are so eager to act upon their Country.

There is scarce a Crime to be mentioned in reference to the Public, but they confidently charge it upon the Ministry; but keep the Proof of them in the Clouds, as if the World were obliged to believe malicious Reports, upon the Credit of a spiteful Hearsay, which have neither Being nor Beginning, Colour nor Pretence to justify them. There is all the Reason in the World that ill Ministers should be punished, and he would be one of the worst of Men, that would either palliate their Fault, or protect their Persons when they are convicted of what they stand accused; but yet there is no Reason that any Man should be scandalized, and suffer upon the naked Account of a running Clamour, that has no other Father, but the malicious Inventions of those that are struggling for their Places. It is no wonder to hear the greatest Worth defamed, the wisest Conduct suspected, the profoundest Wisdom slighted, and Men of the most exemplary Virtue evil spoken of. The envious Eyes of some Men, will for ever be disturbed for so great a Lustre. The *Israelites* envied *Moses*, the *Jews* scandalized the blessed *Jesus*, the *Romans* suffered *Bellisarius* to beg about their Streets, that had been thrice their Deliverer, and no sooner were the *Albanian* Captains by their excellent Conduct, Valour and Success, raised in the Esteem for their very Enemies, but they were presently envied, impoverished and proscribed by their own Countrymen. The renowned *Caesar's* Fall was owing as well to the Envy as Malice of Republican *Brutus* and *Cassius*. 'Tis a great Piece of Folly to think the worse of any Man for being envied and evil spoken of; for it is certain the wisest and best Man in the Nation, though others may, shall never escape Censure; therefore heavy Accusations, and Crimes of the highest

Nature, ought to be well proved, before they are believed, or spread Abroad to the Prejudice of great Men in their Lives, Honours and Estates, for if it be enough to be accused, where shall we find a Man that is innocent.

We have heard many unpardonable Crimes objected against the Court, but how rarely do we hear of any Proof made against them; and therefore since the seditious Interpositors, after all their tedious Searches and Examinations, have not been able to descry the Dangers they pretend to fear; it is a sufficient Principle of Presumption, that their Jealousies are ill grounded, that they find Fault merely for the Sake of finding Fault, and like Boys, having blown a Soap-Bubble from a Walnut-shell, resolve to keep it up as long as they have Breath to follow it. Nay, since they exhibit foul and dismal Charges against the Ministry, without referring to any Act of the Ministers to make it good, they prove nothing but that they are oppressed with Envy, and Ill-nature; for they are not so unskilful at improving the minutest Piccadillo's, that had they been furnished with any Shadow of Truth, they would not have smothered them, and therefore since they have produced none, the Reader may justly conclude, they have none to produce. And all undefigning Men, notwithstanding all the Scarecrows that are set up to fright us, may with great Satisfaction and Quiet depend upon his Majesty's Promise made to the House of Commons* in Answer to their Address, *viz.* 'That he will take the best Care he can, that all Sorts of Mismanagements, and Irregularities shall be prevented or redressed.' So that upon the whole Matter, our Enemies crying out against the Government in general Terms, without being able to produce any thing worth the hearing, to justify their Noise and Clamours; they prove nothing but their Want of Breeding and better Arguments, and their Calumnies, when driven Home, will recoil upon their own Heads; for they that charge others with Crimes they cannot prove, indict and convict themselves of Falsity; and as this Offence may be the Parent of many Disturbances, so among our other real Grievances, it calls for a timely Redress, for it is infinitely below Authority, to indulge, or neglect a Humour that proceeds from nothing but invincible Pride and Peevishness. However,

Certainly Causes there are, for all these Complaints are not made for nothing. There can be no Smoak but there must be some Fire; and therefore to be just to my Reader, and satisfy my Country, I must not smother them; but in Conscience and Honesty am obliged to bring some of them upon the Stage, and shew the Reasons why there are so many Complaints against the Court, and the first I encounter is,

That many of the seditious Mixture are under great Disappointments. They want Places of Profit that they may repair their tatter'd Fortunes at the Expence of the Public, and Places of Trust, that they may have it in their Power to turn the Scales, if ever the Beam should begin to totter. And shew their exquisite Parts in doing nothing, and undoing all things. And the Government being supplied at present with able and experienced Statesmen, and that it is too long to go barefoot, till they can be recruited with dead Men's Shoes, they would pull them off, and force a Way to their Preferment, through the Reputations of the present Ministers, and for that End only, endeavour to make the

* *Martis, 4 die Aprilis 1699.*

the present Ministers uneasy to themselves, and hateful to others, that they may turn them out, and thrust themselves into their Places; and this Chicanery they manage with so much Art and Industry, at their several Clubs and Eating-Houses, as if all were going to ruin, unless they be speedily employed, and such Methods observed to regulate Disorders, as they only can propose, though when their Notions come to be examined, it is a thousand to one, but they are utterly impracticable, dangerous in the Use, and destructive in the End; but the Vulgar not perceiving what's in the covered Dish, they run into the same Cry against the Court, and eagerly spend their Mouths in the Chase, which their Leaders have started, without knowing what the Game is, how it must be dressed, or who must feed upon the Carcass when they have helped to catch it.

Noise and Nonsense is enough to set all the idle Tools of the seditious Mixture a madding, and therefore having swallowed the infectious Vehicle, it soon has its Operation, and now they all applaud the Contrivances and Stratagems of these State Empiricks, as the only Physicians that can cure all the Distempers in the public Administration: the only Patriots that can heal our Breaches, and restore to every factious and impoverished Zealot, what he has a Mind to. And in order to it, Railing at the Ministry is called Liberty and Property, and Freedom of Speech, and despising Authority is called not fearing the Face of Men in their Country's Cause: when their Country is no more concerned in their Invectives and Quarrels against the Court, than they would be for their Country, if it were in their Power to serve it. Let these Underminers of the Ministry make what Pretences they please, Self-Interest is at the Bottom of all their Raree-Shews for reforming what is amiss, and the Truth of the Matter is, these Gentlemen having their Wants to lead, and the Devil to drive, they can find no such Expedient to supply the former, and please the latter, as by changing the Ministry, and thrusting in themselves to accomplish what they aim at; and therefore prosecute the Design accordingly with uncommon Vigour. See them set round a Table, with all their Politics about them, affecting as zealous a Look as if every Man were a *Machiavel*, and as expert in redressing Grievances, and preventing Abuses, as *Solon* or *Lycurgus*, and now whatever opens their Mouths against the Government, nothing but the Hopes of a Place can shut them, and that does it effectually. As a late Poet sings,

*Attempts to purify the Court,
Is damning Men of Places:
Till decently they send them home,
And get themselves put in their Room,
And then they'll change their Faces.*

*'Tis not because some in are bad,
That forms Fears and Pretences;
But Wants of Equipage and Post,
And Supplies at the Public Cost,
To keep Coach and six, and Wenches.*

The most serious Discourses amongst them, and of weightiest Matters, at last center in their Wants of Preferment, and begin where they will, a Place is the End of it. And though they may smother their Desires and ambitious Aims awhile, and appear only public-spirited Patriots; yet their Vizard at length drops off, and their Designs are discovered, they want an Office, a lively Instance whereof I heard but the other Day in a Coffee-house, where a diminutive Animal, of a late, and from a mean Rise, though now arrived to a great Estate, being heartily railing against the Administration, and sighing out his Fears for his dear Country and poor *England*. A Gentleman smartly reprimands the Fop, tells him his Family was once regarded as Men in the true Interest of the Nation. And though his Father's Chair sliding from under him, the Fall had swelled his Spleen, turned his Brain, and affected his Uncle's by Sympathy: He was sorry to see the Son also discover more Weakness and Ill-nature in the Family, in cursing and reviling the public Management, and promoting Discontents in the Nation. To whom the Upstart replied, 'I will, and ought to do it, for the Court has used me barbarously, and the Place I was a Candidate for they have given to another.' In short, he overvalued himself, by aspiring to the Degree of a Statesman, and was angry that a fitter Man had the Preference; and now his Disappointment must be called a national Grievance and Mismanagement. And if you search to the Bottom of all our Clamours, still the Want of a Place is the Cause of them.

Some of the Murmurers it is true, are modester, or rather subtler than others; yet all issue at last in the same thing, and though the Poison does not break out at the Mouth, yet they have their Methods too, and slander the Administration with their Ears and their Looks; and whilst other's Clacks are running, accent and confirm their Calumnies, by tipping the Wink, shrugging the Shoulders, and shaking the Head so dismally, as suggests more Crimes against the Court than the World ever knew, or Arithmetic can number. And if the Stream runs against a Minister they think their Enemy, a familiar Nod, or gracious Smile from his Lordship in Mummery, confirms all the Slanders which are broached at this Cabal, and shall pass them as confidently, as if they were mathematical Demonstrations, when, peradventure, there is not one true Syllable in all the Clatter.

Others of this seditious Mixture, make their Wants and Necessities the Cause of promoting Discontents and Jealousies, and raffle for Preferments and Places, for the same Reasons that wise Men think should utterly debar them; for hungry Men ought not to be invited to scanty Commons, their debauched, extravagant and vain Expences, having consumed their own Estates, there is no Reason to trust them with the public Purse, or Offices that may give them an Opportunity of oppressing the Subject to supply their Necessities, and lengthen their own Teathers by defrauding other Men of their Right of Common. I am not insensible, that it is thought a great Piece of Policy in a Prince, to make frequent Changes in his Court, and when some have filled their Pockets, to give them leisure to spend it; and oblige others of his Subjects with the like Advantages. I will not dispute whether this may prove advantageous to the Crown; but I am of Opinion it is detrimental to the Subject, for the same Reason that * *Ti-*

berius

* Epitome of *Josephus*, p. 488.

berius gave to his Friend, upon asking him that Question : ‘ I seldom, says he, change my Governors of Provinces, because every new hungry Comer racks the People by new Exactions, till they have filled their Coffers, and then are at quiet.’ And to this Purpose told them, that a poor Lazar having his Sores covered with Flies, which he endeavoured not to drive away from feeding on his Flesh; the Spectators believing it proceeded from his Inability to do it, they went near to do that Office for him; but he pray’d them to let the Flies alone, for having now glutted themselves with my Blood, saith he, they don’t suck so greedily, but that I enjoy a little Ease; but if you drive them away, fresh Flies will light upon my Sores, and suck me to Death. Which applied to beggarly Pretenders for Employments, puts a Bar to their importunate Sollicitations, especially when they take such indirect Courses to obtain what they seek for. Men’s Necessities may be great, but good Men’s Loyalty will surmount their Wants, and not put them upon robbing the King of his People’s Duty and Affections, to fill their own Bellies; but rather to suffer any thing for his Majesty than cause him in the least to suffer by or for them. They have a great deal to answer for, who by the State Craft of pressing for Redress of Grievances, would amend their own Circumstances, by raising Hurricano’s in the State, and stirring up such Commotions as sometimes shatter the Constitution, and as our own Memoirs can too sadly inform us, often entirely deface and overturn it. When these dangerous Incendiaries first set out to awe the Government, what Pains do they take to shew themselves disaffected, and hope to get Places by Arguments of their Disloyalty, and run against the Court in hopes they will ask their Price, and take them off by bestowing Preferments upon them. For those Methods being successful in former Reigns, they revive in this.

*King Charles the Second knew their Game,
And Places gave and Pensions;
And had King William’s Money flown,
His Majesty would soon have known
Their Consciences Dimensions.*

*But he has wisely given them up,
To work their own Desires;
And laying Arguments aside,
As Things which have in vain been try’d,
To Fastings, Want, and Prayers.*

It is a lewd and unwarrantable Step in Politics, for seditious Intermeddlers to expect to be gratified by profitable Employments, for being intolerably vexatious to the Government; and by all the sharking Ways and Means imaginable, to place themselves at the Helm; for this Cunning is not always crowned with Success; but oftentimes the wild Pursuers draw down ruinous Consequences on their own Heads, by attempting to rise by such notorious Acts as call their Fidelities into Question; for if Men can be loyal no longer than they are bribed to their Duties by Preferments, the King leans on broken Reeds, and cannot be secure till he has as many good Places in his Gift, as he has bad and hungry Subjects

Subjects in his Kingdom ; and if Men would but consider that they have to do with a Prince, that is not to be hestored out of his Favours, they would give over throwing Obstacles in the Way of their own Rising, seeing there is no great Feats to be done in this Reign by such a fantastical Conduct : Whereas the Exercise of Humility, Loyalty and Modesty would melt his heroic Soul into such gracious Considerations, as would put him upon considering how he might be still more beneficial to his People,

The reigning Sins, Pride, Ambition, and Atheism, are other Grievances that call aloud for Redress, and the Neglect of suppressing them, are to be reckoned among our real Mismanagements, and as the Cause of the Molestations they afflict the State. Envy and Obloquy spares no body, the most unblemished Virtue is not shielded from their Darts. 'Tis defined by *Cicero*, to be Grief conceived in the Mind, at the Good which another Man enjoys ; and that Good especially, by which the envious Man receives no Injury ; but they are sick because other Men are well, and the better it is with another the worse it is with him. When Men have consumed their own Estates by idle, and extravagant Expences, they envy those that are grown rich by their Industry ; and this makes them curious in enquiring, and prying into other Men's Affairs that they may find something to lessen them. A Temper so far from being Christian, that there's nothing of Humility, but much of the Devil in it. Hence it is that the Rattling of a Courtier's Coach frights them out of their Senses, the Sight of a fine Coat makes them ready to tear their own Cloathes tho' gayer, and puts them into such a heat, that nothing but the Promise of a good Place can cool their Envy, or divert them from declaiming against the Court, telling Stories of Mismanagement, detracting from their Merits, and making large Additions to their Failings ; and if the Court oblige them with some fine Thing to play withal, their pretended consciencious Clamours will submit to their Interests, and then the Court is the honestest Place in Christendom.

Pride and Vanity are other Ingredients that contribute toward the Composition of a Malecontent ; for they swell the Factions with such good Opinions of themselves, and their Capacities for public Employments, that there is a Necessity for others to be turned out, that they may have an Opportunity, to shew their rare Qualifications : and then the most compendious Ways to obtain their Wishes, are to calumniate the Court, and cut down the Oaks, that the Shrubs and Under-wood may flourish ; when all is but a grand Mistake, for neither have the Possessors deserved a Writ of Ease, nor is the Intruder qualified either with Brain or Body for it ; but his Pride and Vanity screwed up his own Price, and represented him of greater Value than he was. But some lucky Hand being so kind, to plum the Depth of his Understanding, procur'd his Dismission, and now in Revenge, King, Church, Court, City, Country, must go to wrack, and suffer all the Reproaches that the Wit and Malice of the Party can invent.

Haughty and ambitious Antimonarchists, are the other Causes of all the Fears and Suspicions that are raised in *England* ; for such elevating their Minds above their Ranks, and the End of their Institution, and wearing venerable Titles ; to humour ambitious Freaks, some popular Maggot, or invented Danger to withdraw Subjects from their Allegiance is started ; and therefore if

we

we would not be choused out of our legal Settlement, before we imbibe their Delusions, we had need make sharp Enquiries, whether the specious Pretences of their Reformers don't design to juggle out that universal Repose, which we have enjoyed under his Majesty's Government, and therefore are all equally obliged to promote it. Innovations, which self-interested Men would introduce into the Administration of the Kingdom, have sometimes unhinged our regular Constitution; but we rarely hear that they have ever corroborated the Old, or have enlarged the Power of the Kingdom or the Advantages of the People. History swells with Examples which confirm this Truth. How unanimously have our Laws sentenced all Commotions, tho' gilded with the fairest Colours that Art could invent. 'Tis attested by the Experience of all Ages, that the horrible Evils which factious Innovators, by raising Fears and Jealousies, have brought in amongst us, have been a greater Burthen to us than any other Affliction that could have happened. This is, and ever will be the necessary Consequence of such Endeavours; for if every sorry Pretender of Grievances, should take a Licence to disobey his Superiors, whensoever he has a mind to deliver himself of a Complaint: Then farewell Society, for no Form of Government can subsist on these extravagant Terms, since every one hurried by his Passions, would never want plausible Reasons to ground his Plea of resisting Authority upon, and by this Means our Miseries would be endless.

Our Laws enjoin us to obey the King as supreme Head and Governour, and forbid us entering into any Engagements, that by the widest Constructions may seem to clash with our Duty. Now such as by an implicit Surrender, devote themselves to any Person or embodied Society, which are superior to them; if that Society have given any Signs of Disloyalty, or of advancing themselves, the People are in great Danger of being stript of their Fidelity to their liege Lord, when their Leaders who ought to animate the Allegiance of the lower Orders of Men, become themselves the first Deserters. 'Tis enough we give Men of Quality the Respect that is due to them, without being so much their Vassals as to sell that Liberty of ours, of which the King is the only Master of. Not that I blame a Deference paid to great Men, but I would not have their authoritative Influence, Hand over Head betray us to comply with their criminal Passions; 'tis worth the while therefore, first to observe as I said before, whether these Reformers of Abuses themselves are loyal and steady in the Interest of their Sovereign, and whether there is not a Snake hidden in the Grass: and that under Pretence of rectifying Disorders and Mismanagements, they have not a crafty Design to Hook us into a Combination that undermines the Throne of our Prince, for if we get any Light, that they drive at so black an Attempt, we must disdainfully retreat from such perfidious Designs, and generously sacrifice every glittering Advantage which they cajoled us with, to our Duty. And whatsoever Interest starts up, to cleave inviolably to the King; for as his Side is the justest, so the Advantages of sticking to it, well be the most honourable and satisfactory.

'Tis only the Effect of a giddy Presumption, that spirits on tumultuous Subjects to quarrel with the Administration of the State, imagining that public Affairs would roll more smoothly, if themselves were in the Ministry, or Things were managed by their fanciful Schemes; whereas 'tis their Duty to submit

mit to the Laws, to banish Murmuring, and stifle Opposition, when a Conformity to their Regulations are required. But if Abuses do insinuate into the Government, no doubt but we ought to wish they were reformed, but let no Man undertake it, without a lawful Commission, and certain Evidence of the Facts: For all extrajudicial Attempts, and sinister Ends, tend rather to the shaking of the Monarchy than amending its Defects. And after all that State-menders pretend to in changing the Ministry, the King is the proper Judge of every Alteration; and tho' he should not agree to such Demands, as carry a fair Plausibility of Right for their being granted, still ought to acquiesce with Confidence, that his Non-concurrence is for the real Good of his Subjects; and tho' the Reasons are behind the Curtain to us, they are evident and demonstrative to himself and Council. How happy are we then, that have a King that caresses his Subjects as his Children, and with an indefatigable Application propagates the Welfare of all under his Charge? How dutiful and diligent therefore should all his Subjects be in their several Stations, who bask under that Sun-shine, to smother the Gusts and ill Designs of the Mixture early, before they become gloomy Clouds, big with impending Ruin to darken the Lustre of royal Grace.

Here I had the Thoughts of easing my Reader from the Fatigue I have given him; but I find myself under a Necessity of trailing him a little further, before I can dismiss him with entire Satisfaction. For having shewed him that there is a Design carrying on at several Cabals, either utterly to deprive his Majesty, or at least to lessen his Authority, I must shew him now, that since it could not be done at once as in the Assassination-Plot, they are now doing it by Degrees, and as the Wolves would first rob the Sheep of the Assistance of their faithful Allies, that they might become an easy Prey to their Devourers; so that the Mixture might impose upon the King at Pleasure, 'twas resolved at another Club, and published by one of their Secretaries in a Pamphlet, * called, 'an Answer to the Ballancing Letter, That

To preserve the Honour of the Government, none or few, who have gainful Offices, should be Members of the House of Commons.

Sure the Gentlemen of this Club are Men of great Interest and Correspondence, and what they transact in their Club-Room strangely influences other Places; for there is scarce a Page in the whole Libel that has not been the Subject of Debates and Resolutions in more eminent Associations, and then no wonder to see Things go at this Rate, and themselves so mightily concerned for the Honour of the Nation, which was never further in their Thoughts, than to make what Earnings they could, from their Pretences of having served the Government: For some are well known amongst them, that now rail at all above and below them, that are not of their Faction, that have had their Hands deeper in the King's Pockets, and have received larger Shares of his Bounty, than any Men of their Quality in *England*; and yet are so ungrateful, that they never afford his Majesty one good Word: but upon all Occasions detract from his Virtues, eclipse his Glory, and by all the Power they have, lessen his Authority; and in this their favourite Project, aim at nothing less than if it were possible to leave him Friendless also; for under that Name they would exclude his Officers; which are but the late King's Politics reversed, and tend no other Purpose but to express their Ingratitude.

Every

Every Protestant Gentleman in *England*, under such requisite Qualifications as the Law has established, have a right to be elected Members of Parliament, and nothing can look with a more arbitrary Countenance upon the Gentry of *England*, than a Design of this Nature; for it takes away their Birth-rights, and sinks their Honour in the Esteem of the Nation, as it distinguishes them as Men unfit to serve their Country, because they have the Honour of serving their King. Is this for the Honour of the Government, to persuade the World, that they that serve the King are not to be trusted in the Management of public Affairs. What a manifest Contradiction is this to common Sense, that those which other whiles they call the King's Friends, must have a Mark set upon them as his greatest Enemies: for if they truly love and faithfully serve the King, as I am inclined to think they do, because the Mixture hate them, they will offer nothing, but what they apprehend will be of service both to King and Country, whose Interests can never be divided, but live and die together. To think to serve the King by injuring the Country, is to discrown their Master and to think to oblige the Nation, by lessening the King's Authority, and impairing his Revenue, is to behead the People, their Interests as I said before are so interwoven together that one cannot suffer, but the other sensibly feels it; and therefore the Mixture ought to give the Officers some other Name, or let them keep their Places. Besides, is it for the Honour of the Government to disfranchise the Electors, and ridicule them as ignorant Animals, who don't know who are fit to be their Representatives in Parliament? Is not this Arraigning the Commons to think an Office can corrupt them, and byass them from their Duty to their Country? What disingenious Reflections are these upon Gentlemen, and what Heart-burnings will it beget among us? How do they know which Way these Officers will vote, since some Officers vote as constantly against what they call the Court-Party, as if they held their Places by no other Tenure; ought not every Member to vote as his Judgment directs him, without being censured at every drunken Club for so doing. And why should the Yea's be thought less judicious and consciencious than the No's, or the No's than the Yea's, God forbid; for these are but Bones of Dissention thrown among us to set all at squabbling: and that the Seditious may find their own Account in fastening Crimes on Men of Honour and Worth, they neither know why nor wherefore: Whose Jugglings may prove of dangerous Consequence to the State, and to those who are over-reached by them.

The Design they manage, in endeavouring to exclude all that have Offices under the King out of the House of Commons is plain enough; they are afraid the King's and Country's Affairs should thrive too well, and therefore would have the House of Commons to be like themselves, all of a Piece, and wholly against the King and Court. I cannot but wonder how they dare make such Reflections upon the House of Commons, as to insinuate there are any Parties and Factions among them, by pretending to distinguish who are for and against the Interest of the King. What a Liberty of censuring all the rest do they furnish Conversation with? When they propose the turning out some particular Member, under the Supposition that they are in the royal Interest, which is unkind to the Parliament, and ungrateful to the King: And I am only sorry that I am not wholly at Liberty to pursue, and improve the Results

of my own Thoughts upon that Subject: Though they have partly spared me the Labour in contriving their Schemes so ill, that they are neither adapted to persuade the Wise, nor to deceive the Simple; their Intrigues, and the Slanders by which they manage them, being so open and barefac'd, that had an Enemy designed to expose their Wickedness, he could not have fathered upon them more unlucky Instances, than what is covered under this old Trick of secluding Members, which we hope the Lord's Wisdom and Goodness will prevent, lest the same Club, when their Designs are ripe, should think their Lordships also dangerous and useless, and propose it as a Grievance to be redressed. For what has been done may be done again, and the same Cause will produce the same Effects to the End of the Chapter.

Which is as evident as Demonstration can make it, by the next Step the Mixture took at a Cabal held, as I take it, at *the Old Devil of St. Dunstan's*, where to express their Ingratitude to the Height, and shew what Sort of Cards were Trumps, when their Spies and Emissaries, and the Agents and Factors which they keep in all Corners of the Town, to fetch and carry, to traffic for News, and support the Trade of promoting Fears and Jealousies, had brought in their straggling Reports, they came to these unkind Resolutions, and ordered them to be engrossed, and * printed and published by their former Secretary, viz.

' That letting in Aliens, diminishes the Strength of the Nation, and therefore the *Dutch* must be removed out of the Kingdom, and a fatal Day set for their Departure.'

Without Doubt the Mixture will say these Proceedings are for the Honour of the Government too? To invite Strangers to our Assistance, and when they have done our Work, and contributed to the Nation's Deliverance from Tyranny, and Oppression; then to treat them with Unkindness and Ingratitude; which, as our Case stands in Expectation of what may happen, is as opposite to the Honour and Interest of *England*, as Light is from Darkness.

*Tho' I've no Lilly in my Belly,
This home-spun Truth I'll boldly tell ye,
(And may I be no Prophet)
If thus we serve our truest Friends,
Some nameless Sparks may have their Ends:
And Mischief may come of it.*

*Nay, those staunch Senators I doubt,
Who with a Vote French Armies rout,
And quarrel who shall win most;
Should Monsieur land, would surely fly,
And turning Tail, heroic cry,
The Devil take the hindmost.*

Certainly the Gentlemen of this Cabal are very loose in their Sentiments, that find those Aliens, now so great an Eye-sore, that not long since they caressed with the highest Expressions of Respect, and made such Acknowledgments of Obligations to them, that they were never able to recompence. Pray, Gentle-
men,

* Pamphlet predict. p. 22, and 23.

men what have they done to merit your Displeasure? Wherein have they misbehaved themselves towards you, that all of a sudden they must be shipped off, as a dangerous People? How long have you been persuaded that they have diminished the Strength of *England*, were you of this Opinion when they landed in *Torbay*, and with their Swords in their Hands, asserted your Liberties? Could you have done the Nation's Work without them? If you could why did you so earnestly request their Assistance, and if you could not, why would you have them used so unkindly. For shame give over affronting the Honour of *Englishmen*, with such ungrateful Characters, and making the Nation contemptible in the Eyes of all the World, for the Sake of a few male-contented Clubbers, and the next Time you employ your Secretaries Pens, let it be to better Purpose, and enjoin them for the Honour of your Club Room, to apologize for the Slurs they have put upon the Nation already.

But the Decree of the Cabal you see is peremptory. Our *Dutch* Friends must march off, and the Reason they give for it is a double one, viz. * For every Foreigner living in *England*, say they, we have an *Englishman* the less. That's strange! Since if we had not had their Assistance, our Quota during the War, must have been greater, and consequently more *Englishmen* must have fallen a Sacrifice to Popery and Slavery, than has done, and therefore we have more *Englishmen* left alive for having had their Assistance, than in all probability we could have had, if we had wanted them; but this Core against the *Dutch* lies deeper than every Man's aware of; for these very Men that proposed packing off the *Dutch*, not long since were as zealous for promoting a Bill of Naturalization for all the *French*: Though the latter Nation are our known Enemies, and the *Dutch* our faithful Allies, and embarked in the same Cause against them. But it seems the Mixture knew what Monarch protected the abdicated King, whose Restoration is a great Point among them, tho' kept behind the Curtain; and where the Court of *St. Germain's* stood; and therefore were compounded with the two Courts, by shewing Kindness to that Nation, and sending away the *Dutch*, who by Interest as Well as Alliance, were obliged to assist us when Occasion served against them both. I could urge a great deal more upon this Head, but I know they are upon the Fret already, for being touched in the gall'd Place, and being unwilling to Scour them more, or meddle with a Wasps-Nest, I won't attempt to put a Statue of Brass out of Countenance, or hope to convince or silence Men of their Complexions.

The great Reason why the *Dutch* must troop off, is still to come, and tho' they were always accounted as his Majesty's domestick Servants, and have for many Years attended his royal Person in his Progresses, yet not a Hoof must be left behind: and to enforce this Proposal they draw their unanswerable Argument from a Hen-Roost Metaphor, and say † 'Strangers are the Nest-Eggs of a foreign Invasion.' See how these witty Gentlemen tumble in their pretty Tropes; rickety Heads and arbitrary Power, obedient Subjects and Puppy-Dogs, Invasions and Nest-Eggs. Tipical, topical, tropical, my Red is Green. What pleasant Sport might a Man make with the grave Speeches that have been made upon these Heads, but I have no Time to lose in winnowing Chaff, or catching Butterflies; and therefore shall proceed to shew how these Gentlemen

H h 2

forget

* Lib. & p. predict.

† Page 23.

forget themselves, and say and unsay to uphold the great Hypothesis of being perfect Enemies to his Majesty. When a Probability of trouble from *France* was urged as a Reason to keep up such a Number of Troops as might secure the Nation from such Attempts, then the Mixture scoffed such obviating Dangers as ridiculous Imaginations. Then we hear of nothing but the great Courage, Zeal, Fidelity and Unanimosity of the *English* Nation, in Case of a *French* Invasion; but when the Talk was not about the *Dutch* staying or going, all those glorious Epithets are shrunk into the meanest of Spirit, and they shewed the Nation in such a cowardly Posture, as if they stood all shivering behind the Door, for Fear of ——— thousand *Dutchmen*; or that every one of those Nest-Eggs should hatch such a Brood of Shake-Bags as would beat all the Fighting-Cocks in *England*. Thus are we represented as stout as Lions, or as fearful as Hares, as will best agree with the Designs of the Mixture: If the King would have Land-Forces proportionable to those of our Enemies. Then there were no need of any other Guards than his Halberteers; for in Case of any Invasion every individual Man in *England* would be a Soldier; but if it be thought reasonable, civil and obliging, that the *Dutch* Guards should remain in *England*, then upstart Fears and Jealousies, and remonstrate such dismal Accidents may follow such an Act of Gratitude as may subject us to a Conquest, and make us all Slaves to *Holland*. Did ever Men make such wretched Pretences? 'Tis a sad Symptom that ill Designs are brewing, when such positive People are driven to such sceptical and doubtful Innuendo's, and are forc'd to take Sanctuary in naked May-Be's, and thwart and affront his Majesty upon every trifling Suggestion, arising from the Principles of Disloyalty; so that nothing must be done for him out of Respect to his Person, or the mighty Deliverance he atchieved, 'till all Demands of the Cabals, how unreasonable soever, shall first be fully satisfied. But why should we wonder, 'tis natural for this Mixture to be displeased with the Grandeur and Prosperity of the Court. The Height of the King's Felicity frets their proud and envious Minds, and they are never so apt to spy Dangers, and complain of the Badness of the Times, as when the Government is like to be most flourishing. They are incurable Malecontents, and in Dread of an arbitrary Power, which they say they have no Reason to suspect, yet are making Encroachments upon the royal Authority, and lying at Catch for all Advantages, and husbanding all Opportunities to abate the sovereign Prerogative, and to keep the Monarchy low, by removing his Friends, impoverishing his Revenue, and being imperious and inexorable in their Impositions; as may be easily read in their Resolve to expel the *Dutch*, viz. * 'That a fatal Day be set for their Departure.

And why a fatal Day! they could not mean it to the *Dutch* Guards, for they were but going home from whence they came to our Succour; and therefore must mean it in Respect of us, that it would be fatal when we want Friends to be refused their Assistance. They were pleas'd to call the *Dutch* a dead Weight upon the Nation, and I wish all others that are so had bore them Company; and then, as we have fewer Enemies, by being well rid of the latter, and so the Balance would be equal. The Libel has yet some Fragments of History to give it a greater Currency among the seditious Intermeddlers; but being
nothing

nothing to their Purpose, I shall not reckon it so much to mine as to answer them; for since my whole Design was only to expose these leud Scribblers, I hope I have done it to your Content; and this Affair being now amicably determined by the King and his Parliaments, nothing more ought to be added but what I shall ever contend for, *viz.* a dutiful Obedience to our Superiors.

I have now shew'd you the reigning Evils of our present Times; give me leave to acquaint you by what Ways and Means they are rais'd, and continued to breed Disturbances, and then I shall dismiss my Reader.

The Spring and Progress of all our causeless Fears and Jealousies, and the unhappy Consequences that have attended them, are owing to the more than ordinary Industry of seditious Men's trafficking for News, and employing a Sort of idle peddling People to range up and down in quest of fresh Intelligence, who importune all they meet to contribute to the Stock of flandering the Government; and if they chance to meet any of their Associates, upon the Frontiers of their respective Walks, they frankly impart what they have gain'd to each other, as Beggars do their Fragments: and seditious Clubs are the common Places of Rendezvous, where they all unload, and every particular Member partakes of the joint Collections of the whole Society, where a sullen Grandee of the Mixture will give a Guinea for a Tale that humours his Designs, that will not part with half a Crown to pay his just Debt; and by this Means all Reports fly abroad with such winged Speed as may flush the Party to blazon them in all Quarters of the Town and Country. And if they get a Story by the End that looks a little a Squint upon the Court, and yet is not in itself full enough of Remark and Wonder, the Club vamps it with new Circumstances of their own, alter, improve and refine it, 'till they have made it foul enough to blacken the Ministry. To this End they vouch it with grave Nod and solemn Face, they will talk shrewdly and descant upon it with a thousand pretty Conjectures: they will whisper in your Ear some subtle and notable Observation of Circumstances; and with wise and politick Forehead will suspect impossible Plots upon the People's Liberties, foresee unthought of Designs in the Court to that Purpose, and foretell strange and prodigious Events that must necessarily follow; 'till by these and the like Arts they make every false Report able to walk alone, without the Help of Leading-strings, and maintain itself upon its own Credit and Reputation, 'till the public Voice confirms it, and then you cannot for Shame be so uncivil to demur upon the Credibility of the Brute, when it has received such an authoritative Sanction. And yet if you would trace these Streams to their Fountain, you might as well seek the Head of *Nilus*, which tho' it falls with a mighty Torrent, and overflows *Egypt* with its swelling Streams, you must at last derive its Original, as some of the Antients have done, from the Mountains in the Moon. So if a Man would search for the Authors of these malicious but fabulous Relations, he shall be sure to have them father'd upon some very credible Persons without Names, who had them from *John-a-Nokes*, who had it from *John-a-Stiles*, who had it from Nobody. And if you will observe and examine all Reports that bear the Stamp of the Intermixture, as *Chrysippus* did the oracular Lies of *Apollo*, you will find, as he did, not one in five Hundred that are not apparently forged and Counterfeit; and therefore I shall take my leave of them in the Words of a late Poet.

For

*For Shame give o'er these senseless Lies,
 The very Mob sees the Disguise
 Of your dull Shams and Fears;
 In vain you employ them as a Blind,
 While we perceive you have a Mind
 To set us by the Ears.*

*Britain, which does to Cæsar own
 Her Liberty, is wiser grown,
 Then these stale Arts give o'er;
 We know your wry, distorted Faces
 Are nought but Tricks to get you Places,
 And won't be bubbled more.*

*While Cæsar does the Throne sustain,
 You rail at Monarchy in vain,
 And idly think to Rump it;
 Tho' Faction common Good pretends,
 To serve their undermining Ends,
 We'll cart their common Strumpet.*

A careful shunning of Impostors and Make-Bates, and leaving them in the Clouds they have rais'd, is therefore the Duty of every good Subject, lest assisting the Seditious in their vexatious Contrivances against the Government, you dash upon the Rocks of Offence, and ruin your present Pretensions and future Hopes. To avoid those Dangers study to be quiet, continue your Allegiance to the King, be obedient to your Equals and civil to all Men. The Practice of these Virtues will procure you Friends and imprint a Belief in Authority that you deserve their Favour, it would be the best Security of our Privileges, of public Good, and steady Government. For there is in every virtuous and heroic Soul such a Sense of his Subjects Love and Duty, that 'twould be an Affront to the Ingenuity of human Nature, to suppose that a Prince can be severe upon a willing and obedient People.

A List of the Seven Thousand Men, appointed by his Majesty, Kingdom.

REGIMENTS.	COLONELS.	Lieutenant Colonels.	Majors	Captains. * *	Cornets.	Guidons.	Exempts.	Brigadiers.	Chaplains.	Adjutants.	Quarter-Masters.
1. Troop of Horse Guards —	The Earl of Scarborough —	—	—	—	1	1	4	4	1	1	—
2. Troop of Horse Guards —	The Duke of Ormond —	—	—	—	1	1	4	4	1	1	—
3. Troop of Horse Guards —	The Earl of Rivers —	—	—	—	1	1	4	4	1	1	—
Troop of Grenadiers —	George Cholmondy, Esq; —	1	1	—	—	1	—	—	1	1	—
Royal Regiment of Horse —	The Earl of Oxford —	1	1	9	9	—	—	—	1	1	9
	Henry Lumley, Esq; —	1	1	9	9	—	—	—	1	1	9
	Cornelius Wood, Esq; —	1	1	6	6	—	—	—	1	—	6
Regiments of Horse —	The Earl of Arran —	1	1	6	6	—	—	—	1	—	6
	Hugh Windham, Esq; —	1	1	6	6	—	—	—	1	—	6
	Duke of Scomberg and Lemster —	1	1	6	6	—	—	—	1	—	6
	The Earl of Macklesfeild —	1	1	6	6	—	—	—	1	—	6
Royal Regiment of Dragoons —	The Lord Raby —	1	1	6	6	—	—	—	1	—	6
Regiments of Dragoons —	William Lloyd, Esq; —	1	1	6	6	—	—	—	1	—	6
	The Earl of Essex —	1	1	6	6	—	—	—	1	—	6
1. Regiment of Foot Guards —	The Earl of Romney —	1	1	28	—	—	—	—	1	1	2
2. Regiment of Foot Guards —	The Lord Cutts —	1	1	14	—	—	—	—	1	2	1
	William Selwyn, Esq; —	1	1	10	—	—	—	—	1	1	—
Regiments of Foot —	Charles Churchill, Esq; —	1	1	10	—	—	—	—	1	1	—
	Henry Trelawney, Esq; —	1	1	10	—	—	—	—	1	1	—
		16	16	138	69	4	12	12	19	12	69

* * Whereof the Colonel, Lieutenant Colonel, and

1699.

12	69	152	2	66	9	6	10	60	2	168	282	2	5	22	136	5737	138	544	7000
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Colonel, and Major of each Regiment, are Three.

To follow p. 246.

The Case of *England*, and the Protestant Interest.

SINCE the present Condition of the Kingdom, and the whole Protestant Interest by the Conjunction of *France* and *Spain* abroad, and a more horrid Combination of several at home, must needs affect with the most melancholy Reflections all true *English* Hearts, all such as have any real Love or Zeal for their Religion, or their native Country. I cannot think it amiss to present a short and impartial View to such as have not considered the same.

In the Beginning of the last Age, the Protestant Interest in *Europe* was more than a Match for the Roman Catholick; the Kingdom of *Bohemia* was almost all Protestant; near half the Subjects of *Hungary*, of *Austria* and *Moravia* were Protestants (and did many times defend themselves by Force against the Emperor himself, when oppressed by him for the Sake of their Religion.) That in *Germany* the Houses of *Newburgh* were Protestants of the strictest Sort; the *Saxons* all of them Protestants, and being hearty and unanimous, and seated in the Middle of *Germany*, were a Bulwark and Defence to the Protestants of many other lesser States, as often as they were oppressed for their Religion, by their own or their neighbouring Princes: That many of the Subjects of *Bavaria*, *Bamburgh*, *Cologne*, *Wurtzburgh* and *Worms*, were Protestants. Besides these that were Protestants, and which were so powerful as to maintain eight or nine Thousand Men in Defence of their Religion, and always came off with Advantage, the *Vaudois* in *Italy* were all of them Protestants, and great Numbers of the *Spanish* Low-Countries were of the reformed Religion; besides, *England* and *Holland*, and the Northern Kingdoms of *Denmark* and *Sweden*, and Dutchy of *Brandenburgh*, were entirely Protestant. But now, instead of this, is not the Protestant Power destroyed almost over *Europe*? The whole Kingdom of *Bohemia* entirely Popish? Are not the Protestants of *Poland*, *Austria*, *Moravia*, utterly destroyed? Is not their Destruction now carrying on, and almost finished in *Hungary*? In *Germany*, the *Newburghers*, of Protestants are become fierce Enemies of the Protestant Religion. The Protestants of *Bavaria*, *Bamburgh*, *Cologne*, *Wurtzburgh* and *Worms*, are all destroyed. In *France*, the *Spanish* Low-Countries, *Savoy* and *Vaudois*, after long and mighty Struggles, the Religion is utterly extinguished. Against the poor *Palatinates* the Persecution is now carrying on with its usual Barbarity, and their Neighbours the *Saxons* are so far from being able to help them, that they are under the fearful Apprehensions of suffering the like from their own Prince (lately turned Roman Catholick to obtain the Kingdom of *Poland*) so soon as his Wars with *Sweden* and other Troubles created him by his *Polish* and *Lithuanian* Subjects will give him leave. Besides this, two Northern Princes have given great Cause to suspect their Conversion, to the Romish Religion: That *Sweden* by its Separation from the rest of *Europe*, by the *Baltick*, is unable to give Assistance to the Protestants in any Part of *Europe*, without

without the Consent of the *German* Princes bordering on the *Baltick*, which will never be granted by Papists, in Favour of the Protestants.

Thus the Protestant Religion which had spread itself over almost all *Europe*, which had gained the entire Possession of some Countries, the greater Part of others, and mighty Interest in most, has, through the restless Malice and Endeavours of its Enemies, been subverted and destroyed in Country after Country, 'till it is at last reduced to a little Corner of what it once possessed (*England* and *Holland*.) And we do think our Enemies will not accomplish (what they have thus prosperously carried on so far) our utter Destruction? Is it not high time then to think ourselves in Danger, to look about us to enquire what it is hath thus weakened us, brought us so near our Ruin, what Measures will certainly accomplish it, and what we must take for the Prevention of it?

The Romish Methods of converting the Protestants have been in all Countries the same, viz. Confiscation of their Estates, Goals and Imprisonments, Fire and Sword, dragooning and massacring, and inflicting the most inhuman Torments that Rage and Fury could invent upon such whose Resolution and Zeal for their Religion could not be moved by the former Means. If this be the true Case of *England*, and the Protestant Religion, what is wanting to give the finishing Stroke to our Destruction, but only an Ability in the *French* King to break the Powers of *England* and *Holland*. And if we consider how, in the Year 1672, the *French* King marched his Army through the midst of *Flanders*, fell directly upon *Holland*, then unprovided, entered their strongest Towns like open Villages: some without Defence, or almost Denial, most of them without any Blows at all, and all of them with very few, and made himself Master of three Parts of *Holland* in two Months time; for which Sir *W. T. K. C. II*'s Ambassador (then in *Holland*) tells us the Reason was, That the *Dutch* then not suspecting such a Thing, had no Field Army sufficient to encounter their Enemies, or succour any Town: That walled Towns will not defend the Men within, unless the Hearts of the Men will defend their Walls: That no Garrison will make any resolute Defence without the Prospect or Hopes at least of Relief. 'Tis true, that the *French* King having then all *Flanders* on his Back, garrison'd with *Spanish* Troops (then his implacable Enemies) a powerful Army of the *German* Princes marching upon him down the *Rhine*, *Spain* and *England* (alarm'd by his Successes) preparing to attack him on all Quarters, was glad to vomit up all again, and return home with as much Precipitancy as he had invaded them, lest the Provisions and Retreat of his Army through *Flanders* should be cut off. But now the Case is otherwise, he has possessed himself of *Flanders*, extended his Dominion to the very Frontiers of *Holland*, *Spain* is all united to him, some *German* Princes (then his Enemies) are now become his Friends, others entered into a Neutrality with him; and should he now, by a fatal Battle (which God of his infinite Mercy forbid) break the *Dutch* Army which they have with infinite Charge and matchless Vigour, gathered up from *Denmark*, *Brandenburgh*, and other remote Countries of *Germany*, might he not enter the Heart of their Country? And whence then can their strong Cities and Towns depend upon Relief? May he not, as formerly, possess himself of their whole Country in less than one Campaign? It was the Opinion of that great Statesman Sir *W. T.* that *Holland* would make a stout Resistance in any Quarrel remote from their own

own Doors; but that which enables them (their Wealth) to carry on a foreign War with Vigour, would, in a War at home, render them defenceless: Rich and populous Towns are not fit for Sieges, or were ever known to make any long and resolute Defence. If this be our Case, if the whole Power of the Protestant Religion rests now in a Manner in *England* and *Holland*; if the Destruction of *England*, as well as of our holy Religion, must inevitably follow the Loss of *Holland*; if *Holland*, by one unfortunate Battle might happen to be lost in one Campaign, or less, are we not in a most sad and deplorable Condition? If we find some Men are without their Fears, have we not the greater Reason to fear for ourselves, our Religion and our Country. What shall we then think of those who tell us, it is too early yet for *England* to declare? The Enemy has raised his Armies, furnished his Magazines, and it is too early for us to think of raising a Man. The Enemy is before our Out-works, and 'tis too soon for us to prepare ourselves to be on our guard: Will not those Men tell us, when *Holland* is lost, 'twill then be too late? To what Purpose (will they say) now do you think of raising Forces? Is not the *French* King Master of *Holland*? Possessed of all their Ports? Where will you land them? To what Use will you put them? Does not such Language as this plainly shew the Intention of the Authors? Is it not plainly to deliver us blindfold, bound Hand and Foot into the Enemies Hand? Is not their Design now so visible as not to be disguised? Do not some of the Party begin to throw off the Mask and tell us, it will not be well with us till our old Master returns, till the Government return to its natural Channel. And are not those that were the very Tools and Instruments of Popery and arbitrary Power in former Reigns, and that owe their Lives to Acts of Indemnity in this, industriously represented by some as the Patriots of their Country; and by a strange Kind of Paradox, those that have been always hearty for the Church, and were for defending of it when others were for pulling it down; that were hearty for the King's Accession to the Throne, and to his Person and Government ever since, are represented as Betrayers of us, as having sold us to *France*: Would it not be a Piece of rare refined Policy, if *France*, should hang up our greatest Enemies, under the Notion of her dearest Friends, and give Encouragement to her ancient Friends under the Notion of being her Enemies?

Let us therefore while it is yet in our Power (as we tender our Religion and our Country) use our utmost Endeavours, by all legal Ways, to assist his Majesty and his Government, against all his and our Enemies, both at home and abroad; and in the Words of our Liturgy, let us offer up our most fervent Prayers to God Almighty, *Give Peace in our Time, O Lord! because there is none other that fighteth for us, but only thou, O God!*

The Justice of our Cause in the present War, in Respect of what is peculiar to the *English*, in Matter of Civil Right. 1699.

THE Author foreseeing that our late Peace was not like to continue long, and considering the great Advantage of a good Cause in all Differences, out of great Concern for the Good of his Country, has for some Years been endeavouring, in the best Manner he could, that ours might be made such both in Respect of Religion and of civil Right, while the Peace continued.

As to Matters of Religion, he knew very well long since how indefensible a Cause we have, and was endeavouring that that might be regularly brought to the Consideration and Cognizance of a proper Judicature, that is, of a national Synod, or a Convocation of the Clergy.

He observ'd two great Mischiefs in it: One that by how much the worse our Cause is, so much the better is that of our Adversaries against us; whereas was ours but rectified, as it ought to be, it would make that of our Adversaries utterly indefensible, and necessitate them to mend theirs too; and then that Part of the Difference would cease: and besides we should by the same Means be freed from the other Mischief too; which is so great, that it hath been the principal Occasion of all the Confusions and Scandals both of the former Civil-War, and of the late Revolution. For wicked, crafty and designing Men of no Religion, or any real Virtue, under Pretence of Concern for Religion, abused the People with most wicked contrived Lies and Calumnies, 'till, running themselves into a desperate Case, they run all into those Excesses, which have been the greatest Shame and Dishonour to this Nation, that the subtle Spirits of *Achitophel* and *Balaam*, or the Devil himself could devise. But the Consideration of these Matters of Religion, belonging properly to the Clergy, and such as are in Authority, what is written for that Purpose is reserved to be communicated to them, and but few others.

As to what is here published concerning civil Right, the Author, at the Time of the Peace concluded, had not so much as any Suspicion of the secret Practices, which have since been brought to his Knowledge by such Degrees and Means as seem to have been ordered by some special Divine Providence, without any Enquiry by him, except for his farther Satisfaction afterwards. But as he came to the Knowledge of them, he constantly gave Notice from first to last, of what he observed or understood, to such in Authority as he thought most proper; and at last by a Petition and Demand of Right and Justice, as one of the Commons of *England*, on behalf of himself and the rest, in a Letter to his Representative in the last House of Commons. And since there was so little Regard to either by those Gentlemen, he conceives it so great an Injury to all the Commons of *England*, their Principals, as obligeth him in Duty to the God of Truths and Righteousness, to his Prince, and to his Country, to acquaint them a little farther

farther with the Case, that they may consider of farther special Instructions to their respective Representatives.

It is what was at first intended only for Part of a general Preface to Things lately written for the Service of the Church and Kingdom of *England*; but upon further Consideration is thought fit to be published alone, as followeth,

I Come now to the other Part of our Case concerning *Civil Right*, of which I have already declared my Thoughts, as I found, from first to last, as far as was proper for me to do. The Paper intituled, *The Fidelity of a loyal Subject*, was sent to King *William* 10 *June*, before he went into *Holland*, and to diverse of the Lords of the Privy-Council, and Members of Parliament. And all that Part of this Collection, intituled, *A Message of Peace*, was sent to those Lords, and to the Speaker of the House of Commons, and some others, a little before King *William's* Fast. That concerning the Birth of the Prince of *Wales*, is Part of that, and was also sold alone. And that in the third, intituled, *A Petition and Demand of Right*, &c. after it had been sent to the Member to whom it was directed, with both our Names at length, and to the Speaker and other Members, was publickly sold at the *Exchange* and *Westminster*, &c.

In these and the rest is sufficient Matter of Fact set out, and such as neither was, nor could be denied, and had it been question'd, I was ready to have appeared, and declared upon what Ground I writ it. Taking that therefore for granted, I am to consider the Justice of our Cause, in respect of the pretended Prince of *Wales*, as he is stiled, not only in the Addresses of the abused People, but in the Speech of King *William* to his last Parliament, wherein he abused not only him, but them, and himself too; and even in the Declaration of War, since his Death. For I meddle not with the common Cause of the Confederates; which, whatever it be, I think not much advantaged by that Addition.

That King *James* the Second was lawful Successor of King *Charles* the Second, and rightful King of these three Kingdoms and the Territories thereunto belonging, is out of all Question with all Men of Sobriety and Conscience.

And that there were those Things done by his Authority, which were great Violations of the Rights of the Subjects, is likewise out of all Question.

But first, by whose Advice those Things were done, which ought in the first Place to be enquired into (whether by Popish Counsels, or Protestant Treachery, and Conspiracy with fugitive Rebels and Traitors) was never yet made any Question; no small Argument that Truth was not their Interest, who might have done it if they pleased.

And 2^{dly}, that by the known Laws of this Land, the King in such Cases is not to be questioned, but his evil Counsellors, by Complaint and Remonstrance to him: especially not till he refuse to do right, maintain and protect them against Right, and so make himself a Party with them against the true Constitution of the Government, is, if not asserted, yet admitted and supposed, in all the Proceedings in the late civil War, while any thing of Law was regarded. But the quite contrary in this Case has been done; the King driven and excluded from the Throne, and the Traytors received and harboured.

And 3dly, whether to take up Arms against the King, upon any Pretence whatever, tho' doubtful with many, yet with many was out of all Doubt, that it was unlawful, by reason of the public Declarations of the Nobility, Gentry, Citizens, Burgeses, civil Officers, and of the loyal Clergy, according to three several Acts of Parliament; but to do it upon Pretence grounded upon Treachery, is without all doubt, not only unlawful, but abominable with all Men who have Sense of Conscience, or Religion, of Honour, Justice, or of common Honesty. And yet this hath been done in this Case.

4thly, Of the Matters alledg'd against King James there was one concerning the Birth of the Prince of Wales, which had it been true, had been sufficient to have justified all that was done against him: but being false, and not only false, but a contriv'd Calumny, is as great a Demonstration of the Wickedness of them.

5thly, And this having been alledged by the Prince of Orange in his Declaration, Preferred to the Examination of a free Parliament; the Question in effect was, Whether King James or himself was the Impostor? And his Neglect of that Examination, when it was in his Power, notwithstanding all the Occasions for it, was a manifest Injury to King James, and Evidence against himself.

6thly, All these Injuries to King James, by treacherous Counsels, by such abominable Lies and Calumnies, by driving him out of his Kingdom upon such false and wicked Pretences, and Refusal of Justice in all these Particulars, all contrary to the Fidelity and Allegiance sworn to him, and his lawful Successors, was the Introduction to that which crown'd all; that which came in course to be read for the first Lesson, while I was writing this, *Hos. viii. 3, 4.* Where God complains, *Israel hath cast off the Thing that is good, the Enemy shall pursue him; they have set up Kings, but not by me; they have made Princes and I knew it not.* I mean, the Act of Settlement.

7thly, This Act is not only an Addition to all the precedent Injuries, but a further Proof and Confirmation of the Iniquity of them; for the Convention being conscious, that all the other Pretences were as insufficient in Law, as deficient in Truth, were forc'd to strain their Wits, as well as their Consciences, to find out some other more plausible, which at last was a very lame one in the Bottom, only made more passable with the abused, prejudiced People, by new adopted Terms of Abdication and Vacancy of the Throne. For Abdication is a voluntary Act, without Intent to reassume, or return to what is forsaken. But King James, from the Experience he had of the Usage of his Father, and of the Attempts against his Brother and himself, by desperate Factions, had just Cause of Fear; and besides, was persuaded by the Prince, under Pretence of Kindness, to withdraw from the Fury of the People; and did actually return again as soon, and as far as he could.

8thly, To all these Injuries done to King James, that is no small Addition; which is done to his Son, to exclude him, to attaint him, and to abjure him; and for no other Cause or Pretence, but his Education in a Religion different from this, which I have shewed to be so faulty before; and which brings forth such Fruits as I am considering now; and which is so little regarded by such as make it their Pretence, as to be used by them for no other Purpose. But as this is a great Addition to all these, so all these are to be taken into the Account of the Injuries done to the Son, as the Ground of them.

And

And now by all this, I think it very apparent to all who have any Sense of Justice, or Honesty in them, how monstrously unjust a Cause this is among Men; but to understand more fully how wicked it is in the Sight of God, there is more yet to be considered.

It was not King *James* alone, and his Son, and Family, who were greatly injur'd by these Things, but also the People of this Nation, and of the three Kingdoms, tho' this most of any. Which, tho' it may seem strange, by reason of their free Concurrence, yet it is nevertheless true, if they were abused and imposed upon in it.

Two things there were, which were much cried up, and by which the People were most incensed against the King; one that he and the Queen had agreed to impose a supposititious Child upon the Nation; the other, that the Bishops were sent to the *Tower* for that Purpose, that the Business might be the better managed in their Absence. But the first was not only false, but a most devilish contrived Calumny, as I have sufficiently shewed in my Papers, and could say more if there was Occasion; and that it was contrived contrary to certain Knowledge. And the other not only an improbable Suggestion; for what could their Absence avail, when so many others were present? But the very Depth of Satan, and a treacherous Practice, whereby the poor King himself was imposed upon, contrary to his own Mind, that they might not be present at the Labour, and Witnesses to it, and that the Belief of that Lie and Calumny might be thereby confirm'd. So that by both these they were most wickedly abused, and imposed upon; and the *English* being naturally a plain, downright resolute People, and abominating Tricks and Cheats, but especially to be so abused as they were made believe, this made them so ready to receive him as their Deliverer, who was in Truth the Principal in the Abuse and Imposture put upon them. Their Concurrence therefore in Fact, in what they were themselves abused, is not to be imputed to them as their reasonable and deliberate Act.

But the Business was undoubtedly manag'd by Conspiracy between some Fugitives at the *Hague*, upon *Monmouth's* Defeat (who it is said was betrayed into that Undertaking, by such as made their Advantage of it) and their treacherous Correspondents in King *James's* Court: with whom many others of like loose Principles struck in afterward for Preferment, and composed the desperate wicked Faction, which being hardened with the Success of so great Wickedness, cast off all Regard to Religion, Morality, and common Honesty, and have run Things to such Madness and Extravagancies. But their great Support being now remov'd, 'tis to be hoped we may come at last to more sober Counsels; and that all these Injuries shall be righted as soon as may be. For, besides the Indignities done to the royal Family, those to the People are very considerable. For they have been injured in their Honour and Reputation, by the Abuses put upon them; in their Religion, by the Scandals brought upon it; in their Estates, by the vast Expences they have been at, and all consumed in foreign Parts, to the Advantage of our pretended Friends, but secret Corrivals, and in the vast Debts contracted in their Peace, by an unjust and wicked Occasion of an endless War intailed upon these Nations; and in their Souls, by manifold Sins and Wickedness, and strong Temptations to greater; as if the Spirits of *Achitophel* and *Balaam* were come amongst us. By the Mischiefs to the Nation, as well as

to the royal Family, may be perceived what Interest has been promoted, and what Vipers we have had in our Bowels.

But since it hath pleased God to give us an *English* Heart again upon the Throne, and one so obliged by the Laws of Nature, of God, and of the Land, and sensible, I hope, of these great Obligations, we may hope to see the true *English* Spirit again revived in the People, with a just Resentment of the Abuses, and some Reparation for the Dishonour and Injuries done unto them: and to learn, by dear-bought Experience to beware of such Factions at home, and Foreigners abroad, to value those who are true to the Principles they honestly own; and beware of those who have either none at all, or such as are uncertain what they are, are certainly very bad; and to see Truth and Righteousness again restored amongst us, after such Experience of the unhappy Consequences of wicked Policies, and the indirect Practices of Lies, Calumnies and all Iniquity.

And our Hopes may be not a little encouraged by the Easiness of our Work, if it be duly considered: For as the Ways of Falshood, Treachery and Iniquity, are always not only unhappy in the End, but indirect, rugged and dangerous in the Passage, so the Ways of Truth and Righteousness are not only happy in the End, but direct, plain, easy and pleasant Paths. We need nothing but true *English* Spirits, among the Commons, and true Christian Spirits among the Clergy, and a religious Observance of the Coronation Oath upon the Throne, and that it be indeed a Throne of Righteousness, and not of Iniquity.

But it must be remembered that the true *English* Spirit is not only a Spirit of Honesty and Generosity, but a Spirit of true and sincere Religion at the Bottom. And if we have such a Spirit return again into St. *Stephen's* Chapel, we shall not only have the Honour of the Nation restored by eminent Demonstrations that it was only a prevalent Faction, by which all the Dishonour and Mischiefs have been brought upon us; but the Honour of God in the first Place restored in Truth and Sincerity in that sacred Place, by proper Demonstrations that it was not only a prevalent but an impious hypocritical Faction that did it. Of which we have had sufficient divine Admonitions in the Answers to those two formal Facts; that upon the Address of that short-liv'd Parliament, and that upon the princely Consideration, and religious Dispositions of King *William*, if they be well considered.

And it must be remembered also, that the true Christian Spirit is a true *English* Spirit, in the Perfection of all its most excellent Qualities. And therefore unless the *Cranmerian*, temporizing, treacherous Spirit be cast out of the *Jerusalem* Chamber, or at least out of *Hen. VIIth's* Chapel, the casting out the factious, impious and hypocritical Spirit, out of the Commons alone, cannot bring our Work to its due Perfection; and if we have both those true Spirits in Unity upon the Throne, we shall see those cursed Roots of Perjury and all Wickedness planted in this Nation by *Hen. VIII.* and his Daughter utterly extirpated, and the kindly Plants of Truth, Righteousness, and true Piety, abounding in the pleasant Fruits of Peace and Happiness, revived and flourish again amongst us: which is the only Aim of all my Labours, which have been opposed with so much Wickedness and Madness, notwithstanding the plain honest Design, and sound, effectual Expedients proposed in them.

These

These Things having been laid before the Lower House of Convocation, and the House of Commons, it is fit they should be considered by the Clergy of the several Dioceses and Universities, and by the Commons of the several Counties, Cities and Boroughs, before those Assemblies meet again, or as soon as may be; and none but factious Spirits can be against it.

Some short Considerations relating to the settling of the Government; humbly offered to the Lords and Commons of *England*, now assembled at *Westminster*. 1689.

——— *Post est Occasio Calva.*

My Lords and Gentlemen,

YOU are assembled upon Matters of the highest Importance to *England*, and all Christendom; and the Result of your Thoughts in this Convention, will make a numerous Posterity happy or miserable. If therefore I have met with any thing that I think worthy of your Consideration, I should think myself wanting in that Duty which I owe to my Country and Mankind, if I should not lay it before you. If there be (as some say) certain Lineaments in the Face of Truth, with which one cannot be deceived, because they are not to be counterfeited; I hope the Considerations which I presume to offer you, will meet with your Approbation: That, bringing back our Constitution to its first and purest Original, refining it from some gross Abuses, and supplying its Defects, you may be the Joy of the present Age, and the Glory of Posterity.

First, 'TIS necessary to distinguish between Power itself, the Designation of the Persons governing, and the Form of Government. For,

1. All Power is from God as the Fountain and Original.
2. The Designation of the Persons, and the Form of Government, is either, First, immediately from God, as in the Case of *Saul* and *David*, and the Government of the *Jews*; or, Secondly, from the Community chusing some Form of Government, and subjecting themselves to it: But it must be noted, that tho' *Saul* and *David* had a divine Designation, yet the People assembled; and in a general Assembly, by their Votes, freely chose them: Which proves, that there can be no orderly or lasting Government, without Consent of the People tacit or expressed; and God himself would not put Men under a Governor without their Consent. And in Case of a Conquest, the People may be called Prisoners or Slaves (which is a State contrary to the Nature of Man) but they cannot be properly Subjects, till their Wills be brought to submit to the Government; so that Conquest may make way for Government, but it cannot constitute it.

Secondly, There is a supreme Power in every Community, essential to it and inseparable from it; by which, if it be not limited immediately by God, it can form

form itself into any Kind of Government. And in some extraordinary Occasions, when the Safety and Peace of the Publick necessarily require it, can supply the Defects, reform the Abuses, and re-establish the true Fundamentals of the Government; by purging, refining, and bringing Things back to their first Original: Which Power may be called, The supreme Power real.

Thirdly, When the Community has made Choice of some Form of Government and subjected themselves to it, having invested some Person or Persons with the supreme Power: The Power in those Persons may be called, The supreme Power personal.

Fourthly, If this Form be a mix'd Government of Monarchy, Aristocracy, and Democracy; and for the easy Execution of the Laws, the executive Power be lodged in a single Person, he has, A supreme Power personal, *quoad hoc*.

Fifthly, The supreme Power personal of *England*, is in King, Lords, and Commons; and so it was in Effect agreed to by King *Charles* the First, in his Answer to the nineteen Propositions; and resolved by the Convention of Lords and Commons in the Year 1660. And note, that the Acts of that Convention, though never confirmed by Parliament, have been taken for Law, and particularly by the Lord Chief Justice *Hales*.

Sixthly, The supreme Power personal of *England* fails three Ways.

1. It is dissolved: for two essential Parts fail. 1. A King. 2. A House of Commons, which cannot be called according to the Constitution, the King being gone, and the Freedom of Election being destroyed by the King's Incroachments.

2. The King has forfeited his Power several Ways. Subjection to the Bishop of *Rome* is the Subjection against which our Laws cry loudest: And even *Barclay* (that monarchical Politician) acknowledges, That if a King alienate his Kingdom, or subject it to another, he forfeits it. And *Grotius* asserts, That if a King really attempt to deliver up, or subject his Kingdom, he may be therein resisted: And that, if the King have Part of the supreme Power, and the People or Senate the other Part, the King invading that Part which is not his, a just Force may be opposed, and he may lose his Part of the Empire: *Grotius de Bello, &c. cap. 72*. But that the King has subjected the Kingdom to the Pope; needs no Proof; that he has usurped an absolute Power superior to all Laws, made the People's Share in the legislative Power impertinent and useless, and thereby invaded their just Rights, none can deny. It were in vain to multiply Instances of his Forfeitures: And, if we consider the Power exercised by him of late, it will most evidently appear to all who understand the *English* Constitution, that it admits of no such King, nor any such Power.

3. The King has deserted,

1. By incapacitating himself by a Religion inconsistent with the Fundamentals of our Government.

2. By forsaking the Power the Constitution allowed him, and usurping a foreign one: So that, though the Person remained, the King was gone long ago.

3. By personal Withdrawing.

Seventhly, the supreme Power real remains in the Community; and they may act by their original Power: And though every particular Person is, notwithstanding

withstanding such Dissolution, Forfeiture, or Desertion, subject to the Laws which were made by the supreme Power personal, when in being; yet the Community's Power is not bound by them, but is paramount all Laws made by the supreme Power personal; and has a full Right to take such Measures for settling the Government, as they shall think most sure and effectual for the lasting Security and Peace of the Nation. For we must note, that it was the Community of *England*, which first gave Being to both King and Parliament, and to all the other Parts of our Constitution.

Eighthly, The most renowned Politician observes, That those Kingdoms and Republics subsist longest, that are often renewed, or brought back to their first Beginnings; which is an Observation of self-evident Truth, and implies, that the supreme Power real has a Right to renew, or bring back. And the most ingenious *Lawson* observes (in his *Politica*) That the Community of *England*, in the late Times, had the greatest Advantage that they or their Ancestors had had for many Ages for this Purpose; though God hid it from their Eyes: But the wonderful Concurrence of such a Series of Providences, as we now see and admire, gives Ground to hope, that the Veil is removed, and the Nation will now see the Things that concern their Peace.

Ninthly, The Acts done and executed by the supreme Power personal (when in being) have so modelled the Parts and Persons of the Community, that the original Constitution is the best, justest, and the most desirable. The Royal Family affords a Person that both Heaven and Earth point out for King; there are Lords, whose Nobility is not affected by the Dissolution of the Government, and are the subject Matter of a House of Lords; and there are Places, which by Custom or Charter have Right to chuse Representatives of the Commons.

Tenthly, There are inextricable Difficulties in all other Methods. For,

1. There is no Demise of the King, neither civil nor natural.
2. There is consequently no Descent.
3. The Community only has a Right to take Advantage of the King's Forfeiture or Desertion.

4. Whatever other Power may be imagined in the two Houses, as Houses of Parliament, it cannot justify itself to the Reason of any, who understand the Bottom of our Constitution.

5. By this Method all Popish Successors may be excluded; and the Government secured, in case all the Protestants of the Family die without Issue; and this by the very Constitution of *England*. And the Question can never arise about the Force or the Lawfulness of a Bill of Exclusion.

6. The Convention will not be obliged to take Oaths, &c.

Eleventhly, If these Things be granted, and the Community be at Liberty to act as above, it will certainly be most adviseable, not only for the Security and Welfare of the Nation, but (if rightly understood) for the Interest of their Royal Highnesses, to limit the Crown as follows: ———— To the Prince of *Orange* during his Life (yet with all possible Honour and Respect to the Princess, whose Interests and Inclinations are inseparably the same with his) Remainder to the Princess of *Orange*, and the Heirs of her Body; Remainder to the Princess of *Denmark*, and the Heirs of her Body; Remainder to the Heirs

of the Body of the Prince of *Orange*; Remainder as an Act of Parliament shall appoint.

This will have these Conveniences among others.

1. Husband and Wife are but one Person in Law, and her Husband's Honour is hers.
2. It puts the present kingly Power into the best Hand in the World; which (without Flattery) is agreed on by all Men.
3. It asserts the abovesaid Power in the Community.
4. It will be some Acknowledgment to the Prince for what he has done for the Nation: And it is worthy Observation, that before the Theocracy of the *Jews* ceased, the Manner of the Divine Designation of their Judges, was by God's giving the People some Deliverance by the Hand of the Person, to whose Government they ought to submit; and this even in that time of extraordinary Revelations. Thus *Othniel*, *Gideon*, *Jephthah*, *Samson* and others, were invested by Heaven with the supreme Authority: And though *Joshua* had an immediate Command from God to succeed *Moses*, and an Anointing to that Purpose, by the laying on of *Moses's* Hands; yet the Foundation of the People's Submission to him was laid in *Jordan*. And I challenge the best Historians to give an Instance (since that Theocracy ceased) of a Designation of any Person to any Government, more visibly divine than that which we now admire. If the Hand of Providence (miraculously and timely disposing natural Things, in every Circumstance to the best Advantage) should have any Influence upon Men's Minds; most certainly, we ought not here to be insensible, If the Voice of the People be the Voice of God, it never spoke louder. If a Nation of various Opinions, Interests and Factions, from a turbulent and fluctuating State, falls into a serene and quiet Calm, and Men's Minds are strangely united on a sudden, it shews from whence they are influenced. In a Word, if the Hand of God is to be seen in human Affairs, and his Voice to be heard upon Earth; we cannot any where (since the ceasing of Miracles) find a clearer and more remarkable Instance, than is to be observed in the present Revolution. If one examines the Posture of foreign Affairs, making Way for the Prince's Expedition by some sudden Events and Occurrences, which no human Wisdom or Power could have brought about; if one observes that divine Influence which has directed all his Counsels, and crowned his Undertakings, notwithstanding such innumerable Dangers and Difficulties, with constant Honour and Success; if one considers how happily and wonderfully both Persons and Things are changed in a little time, and without Blood: It looks like so many Marks of God's Favour, by which he thinks fit to point him out to us in this extraordinary Conjunction.

I will trouble you but with one Consideration more; which is, that the two Things most necessary in this Affair, are Unanimity and Dispatch: For without both of these, your Counsels will have little Effect. In most Things it is good to be long in resolving; but in some, it is fatal not to conclude immediately. And Presence of Mind is as great a Virtue, as Rashness is a Vice. For the Turns of Fortune are sometimes so quick, that if Advantage be not taken in the critical Hour, it is for ever lost. But, I hope, your Lordships and all those Gentlemen, who compose this august Assembly, will proceed with so
much

much Zeal and Harmony, that the Result of your present Consultations may be a lasting and grateful Monument to Posterity, of your Integrity, Courage and Conduct.

A Letter directed to the Right Honourable the Earl of
Perth, Governor to the Prince. 1700.

Die Lunæ, 17 Februarii, 1700.

UPon Reading this Day a Letter communicated to the House by his Majesty's Command, dated 18th February 1701, and directed, To the Right Honourable the Earl of *Perth*, Governor to the Prince, These, It is Ordered by the Lords Spiritual and Temporal in Parliament assembled, That the Lord Keeper of the Great Seal of England do give Order, That the said Letter be forthwith printed and published.

Matthew Johnson, Cleric' Parliamentor'

Friday 18th of February, 1701.

My Dst. Br.

SINCE I promised to put in Writing what we had not Time to talk fully of, I am set down to it in the Morning, that my Letter may be ready for the Messenger, if any call:

I told you all that I had heard at *Versailles*, and the favourable Audience I had of *Madam de Maintenon*, for which I beg it of you to return my most humble Thanks to the Queen, and beg of her to be so good as to thank *Madam de Maintenon*, and know from her what can be done in that Matter. It will be a great Charity in the Queen.

I told you amongst other Things the great Fleet the King intends to put out this Summer, the Orders being given, and the Money ready, the Stores full, and every one concerned active in their Stations. There is no doubt but this Fleet will be Master of the Sea for some Time, if not for all the Summer; because the *Dutch* dare not stir till the *English* be ready, and they have long Debates yet before they can be in a Condition to act, if they have the Will; and it is a Question if they will have it at all.

The King never had so favourable a Conjunction, if he can persuade this King that his Affairs are really in the Circumstances they are in; but there is the Difficulty.

The King and Queen have more Authority with the King, and with *Madam de Maintenon*, than any other in the World can have; but that's not all, there should be some one acceptable to the Ministers, who should lay before them these Proofs, their Majesties cannot enter into the Detail of, and explain the Reasons, make Plans and Memoirs by their Majesty's Approbation, to con-

vince them of the Necessity, and to shew the Easiness of Restoring the King, the Glory it brings to their King, and the Advantage to Religion.

How this will be done, their Majesties are wise enough to consider, and I think it is not a Subject fit for me to enter upon, but their Friends in general, who know not the Half of what I know in this Matter, think that it will not be well done by a Protestant Minister, lazy in his Temper, Enemy to *France* by his Inclination, tainted with Commonwealth Principles, and against the King's returning by any other Power than that of the People of *England*, upon Capitulation and Terms, who is suspected of giving Aim to the Compounders, if not worse.

That Mr. *Carrell* is qualified no Man doubts, but in Society with the other, these who must be instrumental will not trust him as he ought, so that so long as the other is within Distance of penetrating the Affairs, they will never think themselves secure.

And yet the King has no such Game to play as by these very Persons, who are thus diffident, namely, the true Church of *England* Party, the Catholics, and the Earl of *Arran*, and I shall say something as to every one of them. The King cannot but be sensible that the true Church of *England*-Party, and their principal Head now the Bishop of *Norwich*, has been silent of a long time, and their Majesties may remember what Weight the Court of *France* laid upon their joining the King (I mean the non-swearing Clergy) in case of a Landing.

Therefore all Arts should be tried without Delay to get them to enter into Correspondence again, and every Impediment ought to be removed, I say without Exception, and though sometimes it is of hard Digestion for Sovereigns who ought to be obeyed without Reserve, to yield to the Humours of Subjects, yet Prudence should teach them, when they cannot, without hurting their Affairs, do what they would, to do what they can; and remember the Fable of the Dog, who lost the Substance for the Shadow.

Affurances from the Non-swearers, the soundest and venerablest Part of the *English* Church, would be of great Use at this Time, to persuade *France* to undertake this great Affair; for besides their own Example at a Landing, and their preaching and writing to the People, that their Religion was in no Danger, it is most certain they know better than any others can, what the Church of *England* in general would do for the King's Service, and they being to run all the Hazard, would be better believed at the Court of *France* than any other, as I found by Experience.

As to the Catholics, and others associate with them, unfortunately for the King, they were thought to have too much Inclination for me, and so have been reckoned as useless to the King, but I must beg Leave to say, that Undertaking was the best Feather in his Wing, and was most justly thought so by him, and by the Court of *France* too, even to that Degree, they pretended if this and the other Article concerning the Clergy, could be made appear, they would concur with the King to invade *England*. They consisted of seven Regiments of Horse and Dragoons, their Arms, Trumpets, Kettle-Drums, Standards, &c. were all ready, and are yet in Surety, their Men were all listed, and their Officers chosen, and they had twenty Horses to a Troop, which
Troops

Troops lying at a Distance in a Horse-Country, twenty Horses would soon have mounted the rest.

Those who could not divine the Greatness and the Use of the Undertaking, blamed the Rashness of it, and even some Churchmen have not been disapproved for endeavouring undutifully (because contrary to the King's written Orders) to break the Design; but I desire you now for all this to believe, that you have not such another Argument to use to the Court of *France* as this, and if you could make it appear, as it might have been done some Years ago, I should have very good Hopes of this Summer's Work. Nay, let the King have what other Hopes, or even Promises you please from the Court of *France*, this is to be encouraged, and if possible, to be put in the Circumstances it was in, for if ever there be a Landing in *England* to Purpose, it must be before they can be armed, and they cannot be armed before the Parliament come to a Resolution concerning the War, and considering the few Troops in *England*, suppose these Men to be no better than Militia, what a Diversion would it be.

It is not necessary for me to say any more of this Article, till I know whether their Majesties have as good an Opinion of this Undertaking as I have. If so, I shall shew what I think to be done in it, if otherwise I shall save the Pains.

As to the Earl of *Arran*, it would be of great Use to have an Understanding with him. He will have none where ——— can pry; his All is at Stake, and he ought to be wary with whom he ventures to deal.

I think it better for the King's Service, that the Court-Party prevailed in the Manner they have done in the Parliament of *Scotland*, than that the Country-Party should have got their Will. Opposition swells the Waters to a Flood, and so long as the Country-Party is not discouraged, they gain more Ground in the Kingdom than they lose in Government. So that the Disaffection to the Government will increase, and one may judge of the Nation in general, which is of another Temper than this pretended Parliament, or rather Presbyterian Rabble, ill representing the Nation. For since even in it, there is such a Struggle against the Government, what would there be in a free Parliament, which the P. of O. durst never hazard to call.

The Nation then, at least a great Part of it, being disaffected to this Government, it is of the last Consequence that E. *Arran* may know what to do in Case of an Invasion of *England*, or in Case he and his Friends be obliged for Self-preservation to rise in their own Defence.

The Army, who are and ever were well-affected, are to be gained by Money, and a little goes a great Way with them.

The disbanded Troops would be engaged, and the Officers are well-inclined.

The Places of Strength would be secured, and such as can be put in Defence (without Expences) fortified.

To do all this, at least such a Part of them as can be begun with, a small Sum will serve, and he ought to have Hopes of it, and of the Command.

These being only Heads to be discoursed of, and much to be said of every Part, it is not to be thought that this Letter can carry a final Conclusion; for
it

it may be upon Discourse, I might change my Mind, or be more confirmed in, and see further.

This makes me insist again to you, upon two Things, as appearing to me absolutely necessary to put Things upon a right Foot.

The First is the removing of all Impediments out of the Way, and sending all suspected Persons to *Champaign* or *Burgundy*, according to their Goust.

And the second is of the last Use, both to their Majesties and the Prince, which is the establishing of such a Number, under no Qualification, to talk of their Affairs in their Majesty's Presence, with whom we can freely converse and propose what may be for their Majesties Service.

As for the first, It will be for the King's Reputation, both at the Court of *Rome*, *France*, and with all his true Friends in *England*, for many Reasons——

As for the second, It is according to Scripture, *In the Multitude of Counsellors there is Safety.*

Nothing is so dangerous as first to determine what one will do, and then hear Reasons against it, and imitate the deaf Adder, who hearkens not to the Voice of the Charmer, let him charm never so sweetly. Reasons against a Resolution taken, offend, and the more Force they have, they offend the more; whilst before the Resolution be taken, Reason has its Effect, and the Determinations are not the Effects of Humour and Faction, but of Prudence and Justice.

If in any thing I fail, I'll swear it's Want of Understanding, and not of Will. And I beg, that their Majesties may be persuaded, that it is not Humour nor Vanity, but their Service I have in my View, who am,

My Dft. Br.

Most humbly yours.

There are no Letters from *England*, I expect and am promised——

I forgot to tell you, that the Conjunction ought to be improven so long as the Court of *France* have the ill Opinion of the Pr. of *Orange's* Treachery discovered lately in their Hands.

Supercription.

*For the Right Honourable the
Earl of Perth, Governor to
the Prince,
These.*

The

The most christian King's Letter to the States General of the United Provinces, upon his recalling the Count *d' Avaux*, his Ambassador extraordinary at the *Hague*; together with the said Ambassador's Memorial; both presented by him to the State the $\frac{1}{2}$ *July*: and the Answer of the States General to the said Memorial, delivered to the Ambassador the $\frac{21}{1}$ *July*, *August*, 1701.

The most christian King's Letter to the States General.

Most dear great Friends, Allies, and Confederates,

WE have thought fit to recal the Count *d' Avaux*, our Ambassador extraordinary to you, seeing the little Fruit those Conferences have produced which you had desired of us, and which you have since often interrupted. We are not the less inclined to the establishing of the Peace. As he will further declare our Intentions to you before his Departure: Nothing remains for us, but to assure you, that it still depends on you to receive Marks of our ancient Friendship for your Republic, and of our Desire to give you Proofs thereof on all Occasions: So we pray God, that he may have you, most dear great Friends, Allies, and Confederates, in his holy keeping. Given at *Versailles* the 18th of *July*, 1701.

To our most dear great
Friends, Allies, and
Confederates, the
States General of the
united Provinces of
the *Netherlands*.

Your good Friend, Ally,
and Confederate,

Lewis.

Colbert.

Count *d' Avaux's* Memorial.

THE underwritten Count *d' Avaux*, Ambassador extraordinary from the most christian King, being arrived at the *Hague* in *February* last, had Reason to believe, that the Orders given him by his Majesty, would sufficiently make known the Desire his Majesty always had to maintain the Peace, and that your Lordships would make use of his favourable Dispositions, after having earnestly desired that his Majesty would permit, that Proposals should be offered

offered in settled Conferences, concerning the Securities which you might reasonably desire, and that an Agreement should be made at the same Time, about the Means of preventing a new War. This Step and your Lordships true Interest, ought equally to persuade, that the desired Conferences would have had a happy Issue; and the most christian King declaring, that on his Part he would not omit any Thing to preserve the public Tranquility, it seemed, that your Lordships first Alarms would have been happily calmed; that your Confidence in his Majesty's Affections would have removed those vain Fears, which his Grandson's Accession to the *Spanish* Throne had inspired you with. The Count *d'Avaux* hoped therefore, that after a short Embassy he should soon return to the King his Master, with the Satisfaction of having been employed in preventing the new Troubles *Europe* was threatned with. This his Hope was confirmed when your Lordships, acknowledging the lawful Right of the King of *Spain*, wrote a Letter to that Prince, to congratulate with him on his Accession to the Crown; it appeared by this Resolution, worthy of your Prudence, that if you persisted in demanding Securities for yourselves, you were sensible at least of the Injustice of foreign Pretensions, and would for ever avoid the dangerous Trouble of intermixing the same with your own Interests. So the most christian King passing over your Lordships long Silence, in Relation to the Catholic King's Accession to the Crown, every Thing seemed to be in a good Disposition towards the establishing of the Peace, when the Proposals made by your Lordships, and those of the Envoy of the King of *England*, gave Occasion to judge, that War, rather than Peace would be the Consequence of the strict Union between that Prince and your Lordships, which appeared by the Conformity of those Proposals. You have since protested, that your excessive Demands were the Effect of a just Fear grounded on the King's Power, that they ought not to be looked upon as a Mark of your Confidence in your own Strength. But if this Fear, so lively expressed once, in the Letter your Lordships wrote to the King of *Great Britain* during the Session of Parliament, was real, if in representing those Dangers you were willing to appear encompassed with on every Side, you had no other End than to prevent them, the Means of doing it were in your own Hands, there was no need of bringing so great a Number of Troops into the Field; of buying foreign Assistances at a dear Rate; of laying your Provinces under Water; in a Word, of making all the extraordinary Preparations that might be necessary for the greatest War. Your Lordships had yourselves desired the Conferences, as a Means of securing the Peace, and it depended on you to render those Conferences useful; the King's Intention was never to prolong them by vain Difficulties, and to take an Advantage from those Delays to prepare for War, under a false Appearance of Peace. His Majesty, though strictly united with the King his Grandson, has not formed any incident for the *Spanish* Ambassador's Admission to the Conferences, and has not made use of any Pretence to delay the Effect thereof; they were begun to treat of the Interests of your Lordships only. It depended on you to bring them to a speedy Conclusion, to find therein the Safety of your Provinces, the Advantage of your Commerce, and a perpetual Security in the most christian King's Friendship: But instead of pursuing the same with your serious Endeavours, your Lordships have again delayed the Conclusion thereof,

by

by desiring that the King of *England's* Envoy should be admitted to confer with the under written Ambassador, and with your Deputies: You ought not to imagine that the true Motive of this new Demand can have escaped the Penetration of his most Christian Majesty. If his Majesty opposed it for some time, if he offered to your Lordships, that the Negotiation begun at the *Hague* for the establishing of the Peace, should be carried on under his Eye, he acted by the same Principle which guides his whole Conduct, the sincere Desire of removing all the Obstacles which those who are Enemies to the Peace are continually laying in the Way: He foresaw the little Advantage of the Conferences at the *Hague*; he judged that the Difficulty concerning the Admission of the *English* Envoy would no sooner be cleared, but some other Incident would industriously be formed, which might more effectually serve to perplex the Negotiation. 'Tis true, he could not well imagine that it would be an easy Matter to persuade your Lordships to insist upon the pretended Satisfaction to be given to the Emperor, to take upon you to support the Interests of that Prince, and to confound them with those of your Republic, to set up your selves for Arbitrators between the Houses of *France* and *Austria*, to determine that *Philip IV.* had a Right and a Power to alter as he pleased all the Constitutions of his Kingdoms; that *Charles II.* on the contrary had no Authority to recal those same Heirs, and to restore by his Will the fundamental Laws of the Crown of *Spain*. Indeed it was hardly to be believed, that so wise a Republic should in Favour of the House of *Austria*, against *France*, resolve to break those Treaties which you have looked upon as the Confirmation, and one may say, the Seal of your Sovereignty; that you would engage yourselves at the Expence of your Provinces, the Commerce of your Subjects, and your Wealth, to support foreign Interests, when a few Months before you had made a quite contrary Step in acknowledging the King of *Spain*: But it seems, that those Considerations which formerly would have been of Weight with your Republic, have given Place to newer Maxims.

The underwritten Ambassador should abuse the Confidence which the King his Master is pleased to honour him with, should he write to him, that any Success were to be expected from the Conferences. His Majesty has too discerning a Judgment to believe it, after the Declarations which the King of *England's* Envoy has made on the Part, as he says, of the King his Master to the said Ambassador. Your Lordships are informed of the Manner in which this Envoy has signified to him, that the King of *Great Britain* would never depart from the Interests of the Emperor; that he would not enter into any Proposals of an Accommodation, unless Satisfaction were given to that Prince. The Ties between your Lordships and the King of *England*, are too strict, and your Lordships have too well made known, that they blindly submit to the Sentiments of that Prince, that they will follow the Measures which he shall think most convenient, to leave Room to doubt that they have already taken a Resolution to make a like Declaration to the most Christian King. You have already done it, by declaring, that your Deputies could not go on with the Conferences, without the Intervention of the *English* Envoy. Does he exclude himself, they are presently suspended. So it would be to no Purpose for the most Christian King's Ambassador, sent only for the Sake of these Conferences, to make any longer stay at the *Hague*. If he has not the Satisfaction of having

fulfilled his Majesty's Intentions in establishing a durable Peace between him and the united Provinces, he will have that at least of having made known that his Majesty is willing to contribute all that depends on him to prevent the Interrupting of the public Peace. That his Majesty has taken up Arms only for the Defence of the King his Grandson; that if he had had a Design of making new Conquests he might easily have put it in Execution, his Forces upon the Frontiers of your Republic afforded him the Means to have, without any Difficulty, made his Advantage of the weak Condition you were then in. Your Lordships will not be unwilling this should be spoken of, since you yourselves have published it every where; and this Truth which is evident from your own Testimony, ought to make you sensible, that it has always depended on you to find in his Majesty's Friendship that Security which you thought you had lost, when you saw the King his Grandson advanced to the Crown of *Spain*. If these Reflections, which you have yet time to make, can not prevent the War, the most Christian King has Reason to hope that God, recompensing the Care his Majesty has taken to maintain the Tranquility of Christendom, will continue to pour down upon the Justice of his Cause, the same Blessings which his divine Providence has heaped upon him during the Course of his glorious Reign. That those who will dare to attack him, will be made to know by the Events, that it is neither his Weakness, nor his Distrust of his own Strength which hitherto withheld his Arms, that they will see that he could have revenged the Affronts put upon his Flags at Sea, have prevented his Subjects being seized and treated as Enemies by the *English* and *Dutch* Ships, have hindered the said Ships from coming to sound the Ports of this Kingdom. That it was in his Power to have possessed himself of Places that were yet without Defence, and to have procured to himself very considerable Advantages for the carrying on of a War, which he foresaw from the Conduct of the neighbouring Powers; that if he has passed over these Affronts, neglected the Advantage he might have drawn from the known Superiority of his Forces, he has done it only to avoid giving the least Occasion to say, that he has acted contrary to the exact Observation of the Treaties of *Ryswick*.

The under-written Ambassador wishes, that your Lordships being convinced, by his Majesty's Conduct, of the Sincerity of his Intentions, would, while it is yet time, take such Resolutions as may be conformable to your true Interest; and though his Departure hinders him from having the Glory of employing his Endeavours therein, he shall always have a Concern for the Happiness of your Republic, after having, during so many Years, executed the King's Orders near your Lordships. Done at the *Hague* the 26th of *July*, 1701.

The Count d'Avaux.

The

The Answer of the High and Mighty Lords, the States General of the united Provinces to the Memorial presented to their High and Mightinesses, by Monsieur d'Avaux, Ambassador extraordinary from his most Christian Majesty, the 26th of July, 1701. Extracted from the Register of the Resolutions of the High and Mighty Lords the States-General of the united Provinces of the Low Countries.

Monday, August 1, 1701.

THE Report of the Sieurs *Van Essen* and others, Commissioners of their High and Mightinesses for foreign Affairs, being heard, who by Virtue of their commissorial Resolution of the 26th of July last, have examined the Memorial of the Count *d'Avaux*, Ambassador extraordinary from his Majesty the most Christian King, containing the Reasons why it would be to no purpose for him to stay any longer at the *Hague*; as also his said Majesty's Letter, by which he has thought fit to recal the said Count *d'Avaux*, mentioned more at large in the Acts of the said 26th of July; and the same being debated: It has been thought good and decreed, that the following Answer shall be returned to the Count *d'Avaux* upon his said Memorial.

That their High and Mightinesses do still think themselves very much obliged to his most Christian Majesty for his Goodness in sending hither the said Count *d'Avaux*, with the Character of his Ambassador extraordinary; that they were in Hopes, and wished, that in the Conferences held with him, sufficient Expedients could have been found out to have obtained the End and the Aim that was proposed by the said Conferences, which is, the Preservation of the general Peace, and a reasonable Security for this State: As also that the said Count *d'Avaux* might have remained here till they had attained the said wholesome End. That therefore their High and Mightinesses could not without Concern receive the News, that his most Christian Majesty had thought fit to recal him, before Affairs were concluded, and brought to a happy and so much desired End. The rather, because it seems as if it should be attributed to their Conduct, that the Negotiation had no better Success, and that the Conferences could not be usefully continued. That their High and Mightinesses nevertheless are very certain, that both before and during the Negotiation they did all that lay in their Power, and all that in Reason could be expected from 'em, to make known the Sincerity of their Inclinations for the Peace, and that they were willing to contribute as much as in them lay to the bringing of the Negotiation to a good and happy Conclusion, because they well understand that nothing can be more for the Interest of their Republic, than the Preservation of the Peace, and that their People may enjoy the Fruits thereof with a reasonable Security: But that they ought to attribute it to the Misfortune of the Times, that in this Affair they could not persuade his Majesty of the Sincerity of their Sentiments; that they still persist therein, and that they hope that at length they shall be yet so happy as to convince him. That when after the Death of the last deceased King of *Spain*, his most Christian Majesty, instead of keeping the Treaty made for the Partition of the Succession, thought good to accept the Will of the said deceased King, and to impart to

High and Mightinesses the Reasons which had inclined him to do so, their High and Mightinesses forthwith made known to his said Majesty the Reasons why they could not take any Resolution in an Affair of so great a Consequence without having more time; and that afterwards, so soon as the Constitution of their Government did permit, they offered to enter into a Conference with the Count *de Briora*, at that time Ambassador extraordinary from his Majesty to them, or with any other whom it should please his said Majesty to authorize, that they might jointly find out the necessary Means for the maintaining and preserving of the general Peace, and the establishing of their particular Security. That they made the said Offer upon the Assurances which his said Majesty was before pleased to give 'em, that he had no other Intention than to maintain the Peace and public Tranquility, and that he would give them a reasonable Security. That afterwards his said Majesty having thought fit to send hither the Count *d' Avaux*, with the Character of his Ambassador extraordinary, their High and Mightinesses, as soon as he arrived, and had notified to them his Arrival, immediately appointed Deputies to enter into Conference, and to agree with him upon the Manner how the Negotiation might be carried on with most Benefit and least Delay: And because at the same time their High and Mightinesses saw by the said Count *d' Avaux's* Memorials, that his most Christian Majesty with great Earnestness desired that the new King of *Spain* should be acknowledged, they took a Resolution to acknowledge him, and testify their Desire to entertain and cultivate a sincere and good Correspondence with him; declaring at the same time, that they were ready to pursue the Negotiation with their most christian and catholic Majesties, with the Intervention of his Majesty of *Great Britain*, to treat together of the most proper Means for the Preservation of the general Peace and Tranquility, and the establishing of their particular Security; and that in such a Manner, together with the Intervention of such other Princes and Potentates as should be thought most useful and necessary for obtaining the wholesome Ends proposed. That their High and Mightinesses made this Recognition after the Overture of the Conferences, in the first Place to give an essential Mark of their Love for the Peace, and after that, in Consideration that the End of the Negotiation might be attained as well after as before they should have acknowledged the King of *Spain*. That these Reasons among others having been the true Motives of acknowledging the King of *Spain*, they consequently have done no Prejudice to the Intervention of his Majesty of *Great Britain*, as one of the contracting Parties in the Treaty of Partition, nor to that of other Princes and Potentates concerned in the Preservation of the general Peace. Moreover, that by this Proceeding they have not taken any Cognizance of the Justice or Injustice of the Pretensions of a third Party, nor have separated their Interests in respect of the general Peace from the Interest of those who are equally concerned with them, as seems to be inferred in the same Memorial. That their High and Mightinesses having acknowledged his said catholic Majesty, in hopes that for that Reason the Negotiation would have been so much the less delayed, they represented to the said Count *d' Avaux*, in the first Conferences, that since by the Acceptation of the Will of the deceased King of *Spain*, his most christian Majesty had departed from the Treaty of Partition, wherein their High and Mightinesses thought to have found their Security, as well in respect of the general Peace as their own private Safety, and since his most christian Majesty had represented

represented to them, that by means of the said Will, as well as by the Way of the Treaty of Partition, the End expected from the said Treaty might be attained; they expected from the said Count *d'Avaux*, and requested him, that he would make Overtures and Proposals, by which they might see how the public Peace and Repose would be now secured, and their particular Safety warranted. But the said Count *d'Avaux* refusing more than once to explain himself upon this Head, insisted, that the Proposals that were to be made, should be given in by their High and Mightinesses. That their High and Mightinesses having consulted thereupon with his Majesty the King of *Great Britain*, they settled the Proposals, which the Deputies put into the Hands of the said Count *d'Avaux*, at the same Time that Mr. *Stanhope* Envoy from his Majesty of *Great Britain*, delivered his Proposals to him. That their High Mightinesses are extremely surprized to see that it should be alledged, 'That those Proposals should give Occasion to judge, that War rather than Peace would be the Consequence of the strict Union between his Majesty of *Great Britain* and their High and Mightinesses:' That they cannot apprehend what Ground there is to such an Inference. That their High and Mightinesses never knew otherwise, than that his Majesty of *Great Britain* has given upon all Occasions sufficient Proofs of his Love for the Peace: That they are strongly tied to his said Majesty by strict Alliances contracted several Years ago, for their mutual Security and Defence; that his said Majesty moreover was one of the principal Parties in the Treaty of Partition; that they declared before they settled and gave in their Proposals, that they thought it necessary to act in Concert with his said Majesty in this Negotiation, as well for the Reason alledged, as because of the Relation his said Majesty has with their Republic. That no Reflection was ever made thereupon, and therefore they must repeat it again, that they cannot apprehend upon what Ground it can be said, 'That War rather than Peace would be the Consequence of the Union between this Prince and them, in this Affair.' That their High and Mightinesses are very sorry, that his most Christian Majesty having received their Proposals, thought it not fit to answer them: That they have often heard, that their Proposals were taxed with being excessive, but that it was never made out as yet wherein this Excess consisted, which might have served for Matter to the Negotiation. That the Preservation of the general Peace, and the establishing of the particular Security of this State, were the Foundation upon which the whole Negotiation rested: That it is evident, that the public Peace cannot be preserved, without Satisfaction given to the Emperor, whose Pretensions are so well known, that in the Treaty of Partition it was regulated, with the Approbation of his most Christian Majesty, after what Manner the same should be satisfied: That his said Majesty having departed from the Treaty of Partition, their High and Mightinesses demanded a reasonable Satisfaction for his Imperial Majesty, and that the same Time be agreed upon with him, the whole in general Terms: That there is nothing that can be called excessive in this Article of their Demand; and as to what they have demanded for their particular Security, which they declared more at large, that they are well persuaded that every unbiassed Person will judge, that what they have demanded is not sufficient even to give them a Security like to what they had before the Decease of the last King of *Spain*, or should have obtained by the Treaty of Partition. That if Fear had any Part in the Affair, their High and Mightinesses

nesses believe they had just Grounds of Apprehension ; that their Reasons moreover were grounded, not only upon their particular Sentiments, but also upon the Sentiments of their Friends and Allies, who made no Scruple to send them the Assistance which they were bound to do in case of Necessity, by Virtue of their defensive Alliances : Besides that the Ground of their Fears appeared sufficiently from what is said toward the End of the said Memorial, where their Weakness is declared at large. That if it had been in their Power to have freed themselves from this Perplexity, without betaking themselves to their Arms, without seeking new Alliances with those from whom they expected Assistance in case of Necessity, and without drowning their Country, certainly they had done it : That they should not scruple to refer themselves to the Knowledge which the said Count *d'Avaux* has of the Constitution of their Government, whether it would not be very easy to convince him, and even whether he be not of Opinion, that all which they have done to put themselves in a Condition of Defence, that they have done it only because they were entirely convinced of their Danger, That they sincerely declare that they desire nothing more than to be able to be free themselves from it with some Security, the sooner the better. That with this Prospect their High and Mightinesses demanded Conferences, to the End that the Peace being secured, their Dangers might also cease. That if it had depended upon them to render the Conferences useful, certainly they ere now would have had a happy Success : That they are heartily sorry for the Difficulties which obstructed them. That they freely acknowledge that the most Christian King did not form any Incident for the Admission of the King of *Spain's* Ambassador to the Conferences, neither should their High and Mightinesses have opposed it, having declared more than once that they were content the said Ambassador should be admitted to them. And as for what concerned the Admission of the Envoy of his Majesty of *Great Britain*, and the Delays of the Negociation occasioned thereby, that their High and Mightinesses have shewed before, that from the Beginning they always looked upon the Intervention of his Majesty of *Great Britain* in the Negociation, and the Admission of his Minister to the Conferences, to be necessary. That without Doubt the said Count *d'Avaux* must remember that at the Beginning there was no Dispute about it, unless it were in respect of Rank and Place to be observed in the Conferences, which was regulated without any Contest, so soon as the Parties had given each other the Satisfaction that was required ; so that when the Proposals were delivered into the Hands of the Count *d'Avaux*, the Envoy of *England* was present at the Conference, and delivered his without any Difficulty. That their High and Mightinesses were in Hopes that this Matter would never have given Occasion to any Scruples, since his Majesty of *Great Britain* being so highly concerned in the Success of this Negociation, in respect to the Treaty of Partition, the general Peace, and the particular Security of his Kingdoms, he could not be excluded out of the Negociation. That the Difficulties which afterwards occurred upon this Subject, did not proceed from their High and Mightinesses, but had their Spring from hence, that the said Count *d'Avaux* in his most Christian Majesty's Name, began to oppose the Admission of the *English* Envoy to the following Conferences, upon the same Foot as before ; that this is the Reason why the Conferences have been suspended for a long time,

to the great Grief of their High and Mightinesses, who in this Negotiation could not any ways separate themselves from *England*. So that as the Cause of this Delay cannot be attributed to their High and Mightinesses, and it being so just and reasonable that the Envoy of his Majesty of *Great Britain* should not be excluded from the Conferences, they believe they have sufficiently answered every thing that is alledged in this Memorial upon that Head. That they ought to acknowledge also, that his most Christian Majesty had Reason to expect, that they would insist upon Satisfaction to be given to the Emperor, since that Point was the first Article of their Demands; but that their High and Mightinesses do not remember that they ever gave the least Occasion to presume, that they went about to make themselves Arbitrators between the Houses of *France* and *Austria*, and to decide whether or no the two last Kings of *Spain*, *Philip IV.* and *Charles II.* had a Right to alter the Constitution and fundamental Laws of the Crown of *Spain*. That they beseech his most Christian Majesty to call to Mind and consider, how that before the Decease of the last King of *Spain*, the State of his Health having been for some time very languishing, his most Christian Majesty, as well as his Majesty the King of *Great Britain*, and their High and Mightinesses judged it necessary to prevent the Misfortunes which they had Reason to expect after the Death of that Prince without Issue, since the Overture of the Succession would infallibly occasion a new War, if his most Christian Majesty maintained his Pretensions, those of the Dauphine, and his Posterity, to all the *Spanish* Succession; and that the Emperor would also make good his Pretensions, those of the King of the *Romans*, of the Archduke his second Son, or of his other Children, to the said Succession: That these Reasons inclined his most Christian Majesty, his Majesty of *Great Britain*, and their High and Mightinesses to conclude the Treaty so well known, concerning the Succession of the *Spanish* Monarchy. That as their High and Mightinesses as to themselves, when they entered into the said Treaty, never presumed to make themselves Arbitrators of the Differences between such great Princes as the Emperor and the King of *France*, but only endeavoured to contribute to an Agreement between the Parties concerned, to the preserving of the Peace, and preventing a new War, by a Regulation of the said Succession, wherein his most Christian Majesty then concurred with them, and wherein they flattered themselves that the Emperor would also have concurred in like Manner; they neither desire nor aim at any thing, more than that a Way may be found out to procure the Emperor a reasonable Satisfaction, in regard of his Pretensions, to which at that time so much Consideration was had: That since this cannot be effected upon the Foot of the Treaty of Partition, other Ways may be found out, that the Peace may be preserved, and a new War prevented. That in this their High and Mightinesses cannot be charged with maintaining foreign Interests, since they only insist upon the same Principles now that the Case is in being, which his most Christian Majesty himself judged to be just and necessary, before the Case had happened. Nor can it any more be imputed to them, that they have made any Step contrary to their Proceeding, in acknowledging the King of *Spain*, since that Proceeding does not hinder but that reasonable Satisfaction may be given to the Emperor. That they acknowledged the King of *Spain*, to remove, as much as it was possible, all Obstacles that might retard the Negotia-
tion.

tion for the general Peace, and their particular Security; seeing, that according to their Opinion, neither the general Peace can subsist without giving the Emperor Satisfaction, nor their particular Security without the general Peace, as they have formerly alledged. That if the Prudence of their High and Mightinesses be so great as is attributed to them, his most Christian Majesty ought to be fully convinced, that they will do nothing to the Prejudice of their Provinces, of their Trade and of their Wealth, but what they are persuaded is entirely necessary for their Preservation. That they are certain they have done nothing by which it may be said, 'They have broken those Treaties, which should be as it were the Confirmation and Seal of their Sovereignty:' That they do not well understand what is meant by this: That their Provinces have been always accounted free and sovereign Provinces: That their Ancestors have defended their Liberties against the Violence of Foreigners, at the Expence of their Estates and their Lives, and that they are bound and resolved to do the same: But they live in Hopes that nobody will question their Liberty and their Sovereignty, and much less molest them in the Enjoyment thereof: That they never fought, nor do now seek to enlarge their Limits; but that they are only employed in defending their Rights and their Possessions, and in endeavouring the Preservation of the Peace and Tranquillity with and between their Neighbours: That these are the true Principles and real Maxims of their Republic, wherein they acknowledge no Change or Alteration. That their High and Mightinesses are much concerned the said Count *d'Avaux* expects so little Success from the Conferences, that he durst not write about it to the King his Master, by reason of the Declaration which Mr. *Stanhope* made to him touching the Satisfaction to be given to the Emperor. That they cannot deny but that both his Majesty of *Great Britain* and themselves are of Opinion, that it would be just that the Emperor's Satisfaction should be treated of as one of the Means that ought to be made Use of for the Preservation of the general Peace, and their particular Security. That this is no new Proposition; that it was advanced in the Proposals delivered to the Count *d'Avaux*, as well in the Name of his Majesty of *Great Britain*, as of their High and Mightinesses, who have expressly demanded, that the Emperor should be invited into the Negotiation, that the Satisfaction to be given him might be there agreed upon, which is the same thing they now demand. That in like manner their High and Mightinesses cannot acknowledge that they blindly submit to the Sentiments of his *Britannick* Majesty, as they are said to do; but that they have a great Deference for his Advice, because they are fully persuaded, that his Majesty is very much inclined to the maintaining of the Peace and public Tranquillity; that they are absolutely convinced by an infinite Number of Proofs, that his Majesty seeks nothing more than the Welfare of their Republic, and very much rely upon his Prudence and Experience; besides that they have such strict Ties with that Prince, as King of *Great Britain*, that they cannot separate from him. That if the Conferences must be suspended by reason of the said Mr. *Stanhope's* Declaration, and because of the Conformity of their High and Mightinesses Sentiments with those of his Majesty of *Great Britain* in this Affair, they shall look upon it as a very great Misfortune; but if his most Christian Majesty had thought good to continue the Conferences, and to suffer the Emperor's Satisfaction to be there treated of,

they

they should have hoped that in the end Matters might have come to a good and wholesome Conclusion ; and that the said Count *d'Avaux* might have departed with the Satisfaction of terminating an Affair of the greatest Importance, wherein he has already taken so much Pains. That nevertheless their High and Mightinesses live in Hopes that the said Count *d'Avaux*, having seen during his Residence here, the Sincerity of their Sentiments for the Peace, and their Respect and Esteem for his most Christian Majesty and his Friendship, will upon his Return remove all those evil Impressions that may have been made upon his said Majesty, to the Prejudice of their Conduct. That their High and Mightinesses can truly declare, that they know not of any Cause of Jealousy, they may have given to his said Majesty since the Conclusion of the last Peace: That 'tis true they have been forced to arm in their own Defence, but they did not begin to do it till after they saw their Barriers in the *Spanish Low-Countries*, which had cost them so much Pains and so much Money, which are so necessary for them, and which his most Christian Majesty himself thought formerly so important to their Republic, possessed by his Majesty's Forces ; till their Forces, which to remove all Occasion of Jealousy, they had recalled, were detained there ; and till they had seen what great Preparations of War were making in those Parts. That their High and Mightinesses cannot deny but that besides the great Preparations which gave them Umbrage, they could not but be very jealous of the strict Union between *France* and *Spain*, and the Effects which they see do daily result from the same, notwithstanding they had entered into the Treaty of Partition for this Reason among others, To prevent the giving of any Jealousy, by the uniting of too many Dominions. That their High and Mightinesses formerly declared, That their Opinion of his most Christian Majesty was, that whether he began a War or continued the Peace, he would not regulate his Actions according to his Power, but according to Reason and Equity ; which is still their Opinion, since otherwise none of his Neighbours could ever be secure. That their High and Mightinesses know the Value of his Majesty's Friendship, for which Reason they have always sought it, and desire nothing more earnestly than to preserve it by all possible Means, together with the general Peace, and a reasonable Security for their State : That if notwithstanding all their Care, and all the Pains which they have taken to this Effect, they must undergo a War against their Wills, and contrary to their Inclinations, they cannot charge themselves with omitting any thing they ought to have done to avoid it ; and this will be their Comfort in their Misfortune ; with Hopes that God, through his divine Goodness, will afford them his Almighty Assistance. That their High and Mightinesses cannot forbear saying, that they are much concerned to find themselves accused, as if their Men of War, in Conjunction with the *English*, had affronted his most Christian Majesty's Flag, seized his Subjects, sounded his Ports, and fired upon the *French* Vessels. That their High and Mightinesses having for his most Christian Majesty a very great Respect, they have always endeavoured with all the Circumspection imaginable to preserve to themselves the Honour of his Friendship : That if by Accident, or otherwise, any of their Subjects may have done any thing to the Prejudice of his said Majesty or any of his Subjects, they are ready to make all due Reparation, and to give his said Majesty all the Satisfaction that he can reasonably desire. That

though they have no Knowledge of what the *English* Vessels may have done in that Particular, nevertheless they make no Question but that his Majesty of *Great Britain* is in the same Disposition as their High and Mightinesses to give his most Christian Majesty reasonable Satisfaction, in case his *English* Subjects had done any Wrong to the Subjects of *France*. That so far as these Things may concern their High and Mightinesses, they never received any Information of any thing done, that could deserve the Name of an Affront, unless the same be applied to an Accident that came to their Knowledge, not by Way of a formal Complaint, but indirectly, which happened between one of their Men of War and two *French* Ships, not far from *Genoa*, in the Month of *April* last: That the Truth of the Fact, as far as they can learn, is, that a Man of War belonging to this State, called the *Sun*, being Convoy to certain Merchantmen in the *Mediterranean*, and being separated by bad Weather from the Ships under his Protection, and being left alone for some Days had Sight off of *Monaco* of a Bark coasting along the Shore, not knowing of what Nation she was: That the Captain, to the end he might speak with her Crew, and enquire about the Ships that were parted from him, gave the usual Signal by firing a Gun; upon which the said Bark making the best of her Way, he sent out his Shallop after her: But the Bark's Crew quitted their Vessel, betook themselves to their Shallop, and escaped ashore, leaving only two Men aboard, who gave an Account, that it was a *French* Bark, and that their Companions had made their Escape, believing that the States Man of War had been a *Turkish* Ship. But after the Captain had shewed them their Mistake, the Bark was released; but that a Gun laden with Ball was nevertheless fired from the City of *Monaco*. That two Days after the same Captain met a little Frigate, and endeavoured to speak with the Ship's Crew for the same Reason; to which end making up to her, he put out white Colours, and fired a Gun for a Signal, but the Frigate retired under the Walls of *Monaco*, from whence several Guns were fired upon the Man of War, though for what Reason the Captain could never tell. That this Relation containing all their High and Mightinesses could learn to this Hour of the Matter, so inconsiderable an Action, which it seems was a Mistake, ought not in the Opinion of their High and Mightinesses to be looked on as an Affront offered to his said Majesty's Flag. That except this, they declare that they do not know that their Men of War ever did any thing that so much as resembled an Affront put upon his said Majesty's Flag, or the seizing his Subjects, sounding his Ports, or firing upon the *French* Vessels. That their High and Mightinesses never having been informed of any such thing, they cannot believe that his Majesty can have conceived or can retain any Displeasure against the Republic for the inconsiderable and accidental Meeting of the forementioned Barks. That as for what remains, their High and Mightinesses have taken, and always will take Care, religiously to observe their Treaties, particularly their Treaties with his most Christian Majesty; and shall at all Times take those Resolutions, by which they may preserve the Honour of his Friendship and Affection; and as much as it depends on them, facilitate the general Peace; so as they may find their particular Security therein. That it being said more than once in the said Memorial, That their High and Mightinesses have still Time to resolve, it would be a Satisfaction to them that the said Count *d'Avaux* should remain here some

some time longer, to the end they might have an Opportunity to continue the Conferences for a general Peace and for their private Security, and to bring them to a happy Conclusion: That therefore their High and Mightinesses before they take their Leaves of the said Count *d'Avaux*, and before they deliver to him their recredential Letter in Answer to his said Majesty's Letter, have taken this Resolution to serve for an Answer to his Memorial: And so the Extract of the present Resolution shall be delivered him by the Agent *Rosenboom*.

Signed,

W. VAN HAREN.

It agrees with the said Register,

F. FAGE L.

A Memorial from his Most Christian Majesty, presented by the Count *de Briord*, his Ambassador Extraordinary to the States General of the United Provinces, at the *Hague*, December 4, 1700. Containing his Reasons for accepting the late King of *Spain's* Will, in Favour of the Duke of *Anjou*.

IF the States General seem at present to be surprized, at the King's accepting the Will of the late King of *Spain*, they will in a little Time thank his Majesty for preferring on this Occasion the Peace of the Public, to the Advantage of his own Crown. If they take Time to examine, with their usual Prudence, the infinite Troubles which the Treaty of Partition would produce, that same Prudence will oblige them to desist from the Demand, contained in the Memorial which they have put into the Hands of his Majesty's Ambassador. They will confess, that the Misfortunes of obtaining it, will be common to all *Europe*; and certainly they will be of Opinion, that there is nothing can be a greater Contradiction, than to abandon the Design of the Treaty, for the Sake of adhering to the Terms of it.

For we must of Necessity at this Conjunction distinguish betwixt the one and the other. The Design and the Terms were united whilst the King of *Spain* lived; but the last Will of that Prince, and his Death, make such a Difference betwixt them, that the Design is absolutely destroyed if the Terms stand. The former maintains a general Peace, the latter causes an universal War. This Observation alone makes a true Decision, as to what Choice we are to make, in order to conform ourselves to the principal Object of the Treaty, as explained by the first Articles of it, *viz.* 'To maintain the general Peace of *Europe*, to preserve the public Repose, and to avoid a new War, by

* an Accommodation of those Disputes and Differences that may happen upon the Subject of the *Spanish* Succession, or by the Umbrage of too many Dominions being united under one and the same Prince.' It was upon such Motives that the King took, with his Allies, the necessary Measures for preventing a War, which the *Spanish* Succession seemed unavoidably to threaten.

It was not his Majesty's Design to acquire by a Treaty the Kingdoms of *Naples* and *Sicily*, the Province of *Guipuscoa*, and the Duchy of *Lorrain*; his Allies had no Right to those Dominions, and perhaps he might have obtained more considerable Advantages by his Arms, if he had designed to make use of them on the Occasion of the King of *Spain*'s Death. But his principal End being to maintain the Peace, he treated upon that Foundation alone. He suffered the Dauphin to content himself with the Share allotted him, in lieu of all his Right to the whole Succession of the Kingdoms of *Spain*. But it happens that the Measures then taken, with a Design to preserve the public Peace, produce a quite contrary Effect, and that they engage *Europe* in a new War: If it become necessary for preserving the Peace, to use Means different from those that were proposed for that End. If this new Way occasion no Prejudice to the Potentates in Alliance with his Majesty, all the Disadvantage falls upon himself; and if he is willing to sacrifice his own Interests to the general Good of Christendom, it not only depends upon his Majesty to do it, but he has likewise Ground to believe, that his Allies will commend his Moderation, and his Love to Peace, rather than complain of a Change, which the public Welfare requires, and that they will thank him for a Resolution, which it was impossible for him to defer, without exposing himself at the same Time to long and bloody Wars, which his Majesty, in Concert with them, was willing to prevent.

The first Appearances of it were already plain enough. The *Spaniards*, being zealous to preserve their Monarchy entire, made Preparations on all Sides for a Defence. The *Milanese*, the Kingdom of *Naples* and *Sicily*, the Provinces, the Places comprehended in the Partition, all of them put themselves in a Condition, to maintain their Union with the Body of the *Spanish* Monarchy. The Nation demanded only a King whom they might lawfully own: And though the Inclinations of all the Dominions of the Crown of *Spain*, did universally carry them to desire a Prince of *France*, the Subjects of that Monarchy would have been loyal to any other Prince appointed by the Will of the late Catholic King, exclusive of the Dauphin's Sons.

They were left at no Uncertainty, but as to the Acceptation, for the late King having at last done Justice to the true Heirs, their Refusal would have authorized *Spain* to submit themselves to the Archduke. No body in all Likelihood will doubt but the Emperor would have accepted the Will. The Succession of *Spain* for his second Son, was the main Design of his long Negotiations at *Madrid*. His Treaties in the Empire were for that same End. He did not refuse to sign the Partition but in Hopes of that. It will be hard to persuade any Man to believe, that when he was just ready to reap the Fruits of so much Labour, he would be willing to lose them, and rest contented with the same Offers that he had constantly rejected.

Thus,

Thus the Archduke becoming King of *Spain* by the Consent of the whole Nation, there must be a Necessity, in order to execute the Treaty, to conquer the Kingdoms and Dominions reserved for the Share of the Dauphin. There would be no Room left to alledge the Injury done to the lawful Heirs, for the *Spaniards* had owned their Right. There must be a Necessity of attacking a Prince declared Successor of all the Dominions depending on the Monarchy.

His new Subjects being accustomed to Loyalty toward their Sovereigns, being informed of the Refusal of the true Heirs, would be as zealous for him as they had always been for their preceeding Kings. The States-General being informed by the King of all his Steps for the Execution of the Treaty, know that his Majesty did openly solicit the Princes of *Europe* to enter into the same, and that he never attempted the Loyalty of the Subjects of the late Catholic King, by any secret Methods. He had not any Intelligence, neither in the Kingdoms of *Sicily* or *Naples*, nor in any of the Dominions comprehended in the Share of the Dauphin. The favourable Opportunity was the only Way to attack them. But War being once commenced, after having refused the Justice which the late Catholic King would have done to the Princes of *France*, it would have been hard to have put an End to it. A King in Possession of all the *Spanish* Monarchy, without any Conditions, would have been reduced to great Extremities before he had parted with the Kingdoms of *Sicily* and *Naples*, the Province of *Guipuscoa*, the Duchy of *Milan*, and the other Countries and Places of which the Share of the Dauphin was to have been composed.

It is to no Purpose to enquire what the Consequences of that War might have been. It was unavoidable; and this Certainty is sufficient to shew that the sage Precautions taken for maintaining an inviolable Peace in *Europe*, were perfectly overturned by the very Methods, that were judged only proper for entertaining it, acknowledging the Inconveniencies of a War, the Uncertainties, the Misfortunes which it draws after it; had he accepted the Treaty, and renounced the Will, he must have obliged the Archduke to desist from his Right, and to content himself with the Share stipulated for him.

It was certainly in the Emperor's Power to have done so, but his former Refusals, pushed on to the Extremity, will they suffer any Man to believe, that that was his Resolution, even though he had pretended to it? Would the public Peace have been any further ascertained by it? The Duke of *Savoy*, he was no way engaged in any Treaty, and he is called to the Succession by this Will, failing the Princes of *France* and the Archduke: What Offer considerable enough could there have been made to him, to prevent his attempting to have his new Rights made valid, or to ballance the Advantages that he might reasonably hope for from them.

It must not be said, that the Confederate Powers would have substituted him to the Archduke; that is not the Case, since it is supposed that the Emperor would have accepted the Treaty, which the Exchange proposed to him, and which is infinitely below what Futurity offered him; and would not his particular Interest have obliged him to make the Will valid in favour of that Prince who should thus conform himself to it?

In fine, the Disposition made by his Catholic Majesty did still produce new Troubles in the Choice of a Prince to substitute in the Room of the Archduke.

Since the States-General insist upon that secret Article of the Treaty, they must have probably considered what Prince was in a Condition to subject the *Spaniards* to his Obedience, and would have been willing, against the Mind of the Nation, to ascend the Throne of *Spain*, and maintain the Remainders of the dismembered Monarchy, against the Enterprizes of the Archduke, authorized by the Will of the late King, and against those of the Duke of *Savoy*, concerned to maintain that last Will. It does no way appear that so many Differences could have been easily accommodated, without giving the least Trouble to the general Peace. On the contrary, there is nothing to be foreseen but an universal War. Therefore there's a Necessity, in order to preserve the Peace, to make use of Methods different from those that were proposed at the Signing the Treaty of Partition.

The most natural, that which is most agreeable for maintaining the general Peace, and the only just Method, consists in the Resolution taken by the King to accept the Will of the late Catholic King. If any Prince have a Right to oppose the Dispositions of that Will, there needs no more but to read them, to be convinced that this Right belongs only to the Dauphin. But since he is willing to desist from his Pretensions in favour of his Son, the Will is executed without Trouble, without Effusion of Blood, and the People of *Spain* receive with Peace a Prince whom his Birth, the Will of the late King, and the unanimous Desire of all the Dominions belonging to the Monarchy call to the Crown.

If any Potentate should undertake to attack so many Rights, they would justly be branded with the odious Name of Disturber of the public Repose, and begin an unjust War, without any Appearance of Success. Then if this War should appear unjust, when undertaken by Potentates, who think it their Interest to traverse the Advantages of a Prince of *France*, would it be consistent with the King's Equity, and with his tender Affection to the King of *Spain*, to turn his Arms against a Nation, for no other Reason but because they offered their new King, his Majesty's Grandson, the Crown of one of the most potent Monarchies of *Europe*, and begged of him as the greatest of Favours to accept it. The high Dignity of Kings does not excuse them from considering whether the Wars they undertake be just. Then what Reasons could his Majesty (who is known to be a just Prince) offer for resuming Arms, to divide a Monarchy which is settled entirely upon the lawful Heir.

There was a Design to deprive him of his Rights. The Emperor looking upon himself to be assured of the Intentions of the late King of *Spain*, flattered himself with Hopes of enjoying the whole Succession. Justice, Honour, the Interest of the Crown, and paternal Affection, equally obliged the King to maintain with his Power the Rights of the Dauphin. His former Success was sufficient to shew what was to be feared from the Efforts of his Arms. The King of *England*, and the States-General, were equally desirous to prevent the War. The King consented to it. The Dauphin was very willing to abandon the greatest Part of his Rights, on Condition of having the Dominions allotted to his Share ascertained to him. The equal Desire on all Hands to maintain the

the Peace, produc'd the Treaty; and thus it was, that by sage Precautions taken during the Life of a Prince, whose frequent and dangerous Distempers, foretold an approaching Death; it was believed, that Justice was done in part to the true Heirs, and that at the same Time a solid Foundation was laid for a Peace in *Europe*.

The Disputes rais'd, as to the Validity of the Renunciation of the late Queen, served for a Motive to this Accommodation. In Effect, it had been of no Use if the Nullity of that Renunciation had been acknowledged as fully, during the late Catholic King's Life, as it is declared by his Will.

In short, it was necessary, that the King should explain himself positively, whether he would accept the Will, such as it is, in Favour of his Grandson, or whether he absolutely rejected it. There was no Medium, no Expedient or Change to be propos'd. His Majesty accepting the Will, the Rights of the whole Succession pass uncontrovertibly to the King of *Spain*, he is not at Liberty to separate them, to accept one Part of the Succession and reject the other.

The rejecting of the Will transported all the Rights to the Arch-Duke; nor could the true Heirs in that Case have had lawful Reason to complain of any Injustice done them. By Consequence, be it how it will, had his Majesty been minded to maintain the Conditions of the Treaty, he must have been oblig'd to attack a living Prince, Possessor of the Crown of *Spain*; and it is certain that the Measures he had taken with the Allies, relat'd only to the Division of the Succession of a Prince whose Death appear'd to be very near.

Since the War must have been unavoidable, and that it would have been unjust if the King had fix'd his Resolution to keep precisely to the Terms of the Treaty of Partition: The States-General have no Reason to complain that his Majesty hath prevented it by accepting the Will, except that Resolution occasion them some Prejudice; but hitherto there's none to be perceived. The only View they had in entering into that Treaty, and their sole End was to ascertain the general Peace. We owe them the Justice to declare, that they stipulated no particular Advantage to themselves, no Province, no Place, no Sea-Port depending on the Monarchy of *Spain*, either in the old or new World, no Article for facilitating their Commerce. They, properly speaking, acted the Part of disinterested Mediators betwixt the King and the Emperor, they were willing to pacify the Troubles which the reciprocal Differences about the Succession seem'd likely to produce in a little Time: If the Emperor had been influenced with the same Desire of maintaining the Peace, and had signed the Treaty, the Engagements then enter'd into betwixt the Parties only interested in the Succession, would have been different, but there was no Treaty except with the Mediators: and the States being inform'd of all the King's Steps with relation to the Treaty, know how useless all the Instances made at *Vienna* in his Name were. They know also that the Emperor being perswaded that the Arch-Duke would be call'd to the whole Succession of the Kingdoms of *Spain*, would not engage in the Partition of the Dominions of the Monarchy, but in so far as it might have contributed to extend his Authority in *Italy*. Let them complain then of the Emperor and his continued Refusals. If they be troubled at his Majesty's accepting the Will, which, tho' he has Ground to believe from the Memorial they have put into the Hands of his Ambassador, yet he is willing.

ling to suspend his Judgment, until such Time as they make more serious Reflections upon this great Event. He knows the Wisdom of the Republick's Councils. All Things being well examined, the States-General will perhaps find, that so many considerable Dominions being added to *France*, according to the Disposition of the Treaty might have given just Jealousy of her Power, and if it depended upon them to make Choice, the Reasons appear strong that they should prefer to the Execution of the Treaty, according to the Terms, the present State of the Monarchy of *Spain* governed by a Prince of *France*, without the dismembering of its Dominions. The People of *England*, and *Holland*, were already prejudiced, and endeavouring to prevent the Decisions of the Government on this Occasion: Their Complaints of the uniting the Kingdoms of *Naples* and *Sicily* to the Crown of *France*, did openly discover their Fears concerning the Trade of the *Mediterranean*.

Tho' the King of *Spain* be a Prince of *France*, his high Birth, his Education and Pattern, instruct him what he owes to the Welfare of his Subjects, and the Interest of his Crown. Those Considerations will always have the chief Place in his Mind, they will incline him to augment the Splendor of his Monarchy, and farther, the tender Affection of the King to his Catholic Majesty, would certainly be the strongest Barrier, and the most solid Assurance that *Europe*, could desire. If his Majesty's Intention to maintain the Peace would allow the least Jealousy of his Designs, there was much more Reason to take Umbrage at the reuniting of too many Dominions under one and the same Prince, if the Treaty could have been executed.

Those Reflections will probably convince the States-General, that Justice, the Benefits of Peace, and the very Design of the Treaty would not allow the King to take other Resolutions than that of accepting the Will of the late King of *Spain*; that it suits the particular Interests of the Republick of *Holland*, and that it is agreeable to those of all *Europe*; the Misfortunes then would be general, were it possible that his Majesty, after this Declaration, could have any Regard to the Instances contained in their last Memorial, and in Truth he is persuaded that they never had any Design to obtain the Effect of it. They are too clear-sighted to have formed Vows so contrary to their Light, and to the true Interest of their Republick, yet if they were capable of forgetting them so far as to wish effectually, that his Majesty would execute the Conditions of the Treaty, they would have shewed the certain Means of effecting the Partition without a War, to the general Satisfaction of all *Europe*. They should at least have named the Princes that were ready to join in it, the Troops for being Guarantees of the Articles of it: They should have mention'd those that the Republick of *Holland* was to furnish by Sea, or Land. But their Memorial contained no such Thing. The Lords the States propose only to grant the Emperor the Term of two Months, according to the secret Article of the Treaty: Have they already forgot, that he hath had seven Months Time to deliberate in? That his Answers to the different Instances made to him contain'd an absolute Refusal to sign the Partition? Let them examine, what would be the Fruit of that new Proposal? The Emperor refused the Partition upon the single Hopes that the King of *Spain* would call the Arch-Duke to the Succession. This Hope was vain, and the Effects have verified it to be so. In the meantime,

time, if that was capable of suspending the Emperor's Resolutions, what would not the Certainty do, which he has at present to procure the whole Succession of *Spain* to the Arch-Duke: For, in short the Delay of two Months, proposed on this Occasion by the States, would with Reason have been looked upon by the *Spaniards* as the King's rejecting the Will of his Catholic Majesty. There was no Reason to demand of them to wait for an Answer so long, and besides this Answer, according to the Terms of the Treaty, could be no other than a Refusal. Thus the Regency of *Spain* should have been obliged, in Conformity to the Intentions of the late Catholic King to devolve the Crown upon the Arch-Duke, and the Emperor should obtain by this Delay (which my Lords the States propose) what he hath sought after with so much Labour; and thus under the specious Pretext of executing the Treaty, they would ascertain for ever the Grandeur and Power of the House of *Austria*.

His Majesty is willing to believe that this was not their Design, they know too well that it is their Interest to merit, by their good Conduct the Honour of his Affection, and the Continuation of his good Will. He assures himself that they will reflect more than they have done upon the Testimonies which he gives of his Application to the Maintenance of the public Peace: and upon the Sacrifice which he is willing to make on that Account of considerable Dominions that were to be united to his Crown, that they will change their Complaints into Thanks, and congratulate the King of *Spain* as soon as possible upon his Accession to the Crown, and that they will endeavour to merit of the King the Good-Will and Protection that they and their Ancestors have received of his Majesty and his Predecessors.

DEAREST great Friends, Allies and Confederates, the Peace of *Europe* is so firmly established by the just Disposal which the late King of *Spain*, our dearest and well-beloved Brother hath made of his Kingdoms and Dominions, in Favour of our dearest and well-beloved Grandson *Philip V.* now K. of *Spain*, that we doubt not of your being glad at his Accession to the Throne. We have already made known unto him the true Affection which we bear you, and since we are persuaded that his Sentiments will be agreeable to ours, the strict Correspondence which shall henceforward be maintained betwixt our Crown and that of *Spain*, will give us new Opportunities, of shewing you how much we interest ourselves in what concerns you, and the sincere Friendship that we entertain for you; the Count *De Briord*, our Ambassador Extraordinary, will give you new Assurances of it; and in the mean time, we pray God, that he may take you into his holy Protection.

Wrote at *Versailles*, Nov. 29, 1700.

Signed, LOUIS.

IThe Subscriber, Ambassador extraordinary of *France*, having received Orders from my Master to give your Lordships the Letter that his Majesty hath wrote to you, to notify the Accession of K. *Philip V.* his Grandson to the Monarchy of *Spain*, and to communicate to you at the same time the just Motives that obliged him to accept the Will of the late King of *Spain*, which are contained in the Memorial join'd to the King's Letter. The said Ambassador hath caused the Letter and Memorial to be delivered to M. *de Haren*, President for

this Week. I wish your Lordships may make all the Reflections upon it suitable to the present State of Affairs, and to the Good and Advantage of this Republick, which may and ought to rely upon the Assurances, which he hath Order from the King his Master to give your Lordships of the Continuation of his Friendship, and of his Majesty's sincere Desire to maintain the Alliance and good Correspondence which he hath with this State. The said Ambassador is persuaded that your Lordships will correspond with the favourable Intentions of the King his Master.

At the Hague, Decemb. 4, 1700.

Signed BRIORD.

The King of *France's* Memorial delivered to the States-General by Monsieur *D'Avaux*, upon the taking Possession of the Towns in *Flanders*. 1701.

The Memorial delivered to the States-General, by the Count D'Avaux.

Memoir presente aux E. Gen. par le Comte *D'Avaux*.

THE Proceedings of the King my Master ever since the Death of the King of Spain, have manifested the sincere Desire which his Majesty hath of preserving the publick Repose, and of keeping up a perfect Amity with my Lords the States-General. If they have been alarm'd at the Resolution which he has taken of accepting the Will of that Prince, his Majesty, upon enquiring into the Grounds of their Fear, has forgot nothing that might remove it. He has inform'd them, as his Allies, of the just Reasons he had of looking upon the last Will of his late Catholic Majesty, as the Foundation of the Peace of Europe. The strongest Assurances of his Affection for them have been added to the Declaration he has given them of his Intentions: But these very Assurances tho' renewed upon all Occasions, have not been able to overcome the Silence of my Lords

LES Demarches du Roy depuis la mort du Roy d'Espagne, ont fait connoître le véritable desir que Sa Majesté a de conserver le repos public, & d'entretenir une parfaite intelligence avec M^{rs}. les Etats Generaux. S'ils ont esté alarmez de la Resolution qu'elle a pris d'accepter le testament de ce Prince, Sa Majesté examinant les Motifs de leur crainte, n'a rien oublié pour la dissiper. Elle les a informé comme ses allies des justes raisons qu'elle avoit de considerer les dernières dispositions de feu Roy Catholique comme le fondement de la paix de l'Europe. Les plus fortes Assurances de son Affection pour eux, ont esté jointes à l'Explication qu'elle leur a donnée de ses Intentions; mais ces mesmes Assurances renouvelles en toute, occasions, n'ont pu vaincre le Silence de Messieurs les Etats Generaux n'y les determiner à repondre à la lettre que Sa Majesté leur avoit écrite pour leur donner part de l'avènement du Roy son petit fils au Throne d'Espagne. Il

Lords the States-General, nor to prevail upon them to return an Answer o the Letter which his Majesty wrote to them to acquaint them of the King his Grandson's Accession to the Crown of Spain.

It is needless to remind them of the first Demand they made to his most Christian Majesty. In short, his Patience has been so great as to let them say and believe, that the Condition of his Forces would not permit him to begin a new War. His Majesty, wholly taken up with the Care of preventing it, has not been diverted from this his Care by such Discourses: And his constant Desire of maintaining the Peace has inclined him graciously to receive the two last Memorials, sent to his Majesty in the Name of the Republick. And whereas these Memorials have given him Hopes that the States-General would effectually agree with him about the Methods of securing their Repose, he has dispatched the Count D'Avaux to hear at the Hague the Proposals they shall make to him.

But tho' the King has quietly taken notice of the extreme Jealousy which the Government of the United Provinces have openly shewed of the Sincerity of his Majesty's Intentions; he cannot tell how to disapprove of the Jealousy which the Catholic King has of them, being so reasonably founded on their Conduct ever since his Accession to the Spanish Crown. The Memorials of his Ambassador, and the Letter of that Prince remaining without an Answer, the constant Refusal of the States-General to own him as King of Spain, and this Resolution shewn, upon even the least Occasions (the Particulars of which 'tis needless to repeat) can never establish a [mutual] Confidence.

The

Il est inutile de rapeller la Premiere Demande qu'ils ont faite a Sa Majesté. Enfin sa Patience a esté jusques aupoint de faire dire & delaisser croire que l'estat de ses forces, ne luy permettoit pas de Commencer une nouvelle guerre. Sa Majesté uniquement occupée du Soins de la prevenir n'apas esté detourné de ce mesme son par de tels discours; & san attention continuelle au maintien de la paix, luy a fait recevoir encore avec plaisir, les deux derniers memoires remis a Sa Majesté au nom de la Republique Comme ils luy donnoient lieu de croire que M^{rs}. les Etats Generaux vouloient Effectivement convenir avec elle des Moyens d'assurer leur repos, Elle a fait partir le Comte d'Avaux pour ecouter a la Haye les propositions qu'ils auroient a luy faire.

Mais en mesme Temps que le Roy a veu tranquillement l'extreme defiance que le gouvernement de Provinces unies a fait ouvertement paroître des sinceres intentions de sa Majesté, elle n'a pu de saprouver celle du Roy Catholique justement fondée sur le Conduit qu'ils ont tenue depuis son avènement a la Couronne d'Espagne. Les Memoires de son Ambassadeur & la lettre de ce Prince demeurez sans responce, le refus Constant des Etats Generaux de le reconnoître en qualité de Roy d'Espagne, Cette Resolution Marquée jusques dans les moindres occasions dont le detail seroit inutile, ne pouvoient etabli la Confiance.

The Prudence and Wisdom of their Government does hardly allow any Credit to be given to the Reports that are spread abroad of a Project on foot of offering to acknowledge that Prince, upon Condition that he dismembering the *Low Countries* from the Monarchy of *Spain*, would yield them up to the Archduke *Charles*. There is little Likelihood that they should imagine that the King of *Spain*, the most Christian King's Grandson, should at the Beginning of his Reign buy Peace of them at such a Price. But though these Reports should be absolutely false; though it were true that no extraordinary Provision of Arms and Ammunition, nor any other Preparation for War, was made in *Holland*; nay, though there were no Negotiation on foot, for entering into new Alliances; yet it were impossible that the King of *Spain* should with any Patience see the Towns of the *Low Countries* filled with those Troops, whose Masters will not acknowledge him as the lawful Sovereign of those very Places.

The Refusal of my Lords the States-General, has therefore obliged him to apply himself to his most Christian Majesty, and to desire of him those Supplies which he has given him: But his Majesty declares, that after he has taken those Precautions, which are absolutely necessary to establish the lawful Authority of the King his Grandson, he is entirely disposed to agree immediately upon such Terms as may secure the Peace.

The public Tranquility therefore depends upon my Lords the States-General, which will be soon confirmed, and rendered lasting, if it is true that they so earnestly desire it, as they testify in the last Memorial which the Earl of *Manchester*, the Ambassador of

La sagesse de leur gouvernement permet difficilement d'ajouter foy aux bruits repandus d'un projet formé d'offrir au Prince de la reconnoitre, a condition que seperant les pays bas de la Monarchie d'Espagne il les cederoit a l'Archiduc Charles. Il y a peu d'apparence qu'ils ayent cru que le Roy d'Espagne petit fils du Roy, voulut au commencement de son regne acheter d'eux la paix a ce prix: Mais quand ces bruits seroient absolument faux; quand il le seroit qu'on fit aucun amas extraordinaire d'armes et de munition, aucun preparatif en Hollande pour la guerre; quand mesme il n'y auroit, nulle negociation pour de nouvelles alliances, il estoit impossible que le Roy d'Espagne vist sans peine les places des pays bas remplies de troupes dont les maitres ne veulent pas le reconnoitre pour Souverain legitime de ces mesmes places.

Le refus de Messieurs les Etats Generaux l'a donc oblige de s'adresser au Roy et de luy demander les secours que sa Majesté vient de luy donner; mais Elle declare qu'apres avoir pris les precautions absolument necessaires pour establi l'autorité legitime du Roy son petit Fils. Elle est entierement disposée a convenir incessamment des moyens d'assurer la paix.

Ainsy la tranquillité publique depend de Mrs. les Etats Generaux; Elle sera bien tost affermie pour long temps, s'il est vray qu'ils la desirent aussy ardamment qu'ils le temoignent dans le dernier memoire que le Comte de Manchester Ambassadeur du Roy d'Angleterre a remis de

of the King of *England*, has delivered in their Behalf. If the Treaty of *Ryswick*, hitherto punctually observed, is not sufficient to remove from them all Occasion of Alarms, both with respect to their Security, and their Trade, the King desires that they would make new Proposals to him, but withal such as are equitable, and such as his Majesty may fairly allow of. The Time is precious, and my Lords the States-General, if they are heartily desirous of Peace, ought to beware of giving any Occasion to believe, that under a pretended Appearance of a Negotiation, their real Intention is to obtain the Delays which are necessary to prepare themselves for a War. The Constitution of their Government, the waiting for the Answers of the King of *England*, can be no Hindrance to their explaining themselves. They must needs be informed of the Intentions of that Prince; they must needs know, that he is inclined to maintain the Peace, since they communicate to his Ambassador the Measures which they take to obtain it.

His Majesty being persuaded that they are such as are conformable to the Interest which they have in contributing to the public Repose, assures himself likewise, that they will immediately declare themselves in such a manner, that all Occasion of Jealousy being removed, he may continue to shew them upon all Occasions the Tokens of that real Esteem and Affection which he has always born to their Republick.

de leur part. Si le traité de Ryswick Ponctuellement observé jusqu'à présent, ne suffit pas pour leur ôter tout sujet d'allarmes & sur leur sûreté & sur leur Commerce, le Roy veut bien qu'ils lui fassent de Nouvelles Propositions; Mais equitables & telles que sa Majesté les puisse admettre. Le Temps est précieux et Messieurs les Etats Generaux doivent éviter s'ils veulent sincerement la paix, de laisser croire que sous une feinte apparence de negotiation, leur véritable intention ne soit que d'obtenir les delays necessaires pour se preparer a la guerre. La Constitution de leur Gouvernement, l'attente des réponses du Roy d'Angleterre, ne les Empêche plus de s'expliquer: ils doivent estre instruits des intentions de ce Prince, ils doivent sçavoir qu'il est porté a maintenir la paix puis qu'ils confient a son Ambassadeur les résolutions qu'ils prennent pour y parvenir.

La Majesté persuadée qu'elles sont conformes al' Interest qu'ils ont de contribuer au repos public, s'assure aussy que bientôt ils s'expliqueront de maniere que tout sujet de deffiance venant a cesser, Elle pourra continuer a leur donner en toutes occasions des marques de l'estime et de l'affection véritable qu'elle a Toujours conservée pour leur Republique.

Some Reflections by Way of Answer to a Memorial of his most Christian Majesty, presented to the States by the Count *de Briord*, Ambassador of *France*, on Occasion of the Elevation of the Duke *d'Anjou* to the Crown of *Spain*, contrary to the Treaty of Partition lately concluded betwixt *France*, *England*, and *Holland*. 1701.

THE said Ambassador acquaints the States, ' That the chief and main ' End of the Treaty of Partition was to preserve the Peace of *Europe*, ' and to prevent the uniting too many Kingdoms and States to one and the ' same Crown (meaning that of *France*). That the late King and Subjects of ' *Spain* being unwilling to have their Kingdom dismembered, the late King ' by his last Will hath declared the Duke *d'Anjou* his universal Heir; by rea- ' son whereof, the Treaty of Partition becomes impracticable, for that it will ' tend to the Effusion of Blood, and therefore destroys the Design of the ' Treaty, which was the Preservation of the Peace of *Europe*; and upon these ' Considerations rejects the same.

Ans. By the Treaty of Partition, both *France* and the Emperor were to be satisfied in Part, as to their Pretensions to the Dominions of *Spain*, the same being divided betwixt them. But why the *French* King can think the Emperor will better bear the utter Exclusion of the House of *Austria* from its primitive Right, and the Archduke, that of the Partition, than the *French* King would (had the Will favoured the Archduke) have suffered the Denial of those Dominions and States stipulated for *France* in the Partition. How this Expedient tends to the Preservation of the Peace of *Europe*, passeth my Invention: But I am apt to believe the contrary is maintained by Way of Parallel.

I should be glad to be convinced by Reason, how the *French* King will more spare the Effusion of Blood, by maintaining all the Dominions of *Spain* against his own solemn Act, and the united Powers of *Europe*, than the supposed Difficulties he was to have met with from the Archduke in enterprising the stipulated States (which already seem by Nature to be separated from *Spain*) in Conjunction with the united Force of *England* and *Holland*, without whose Consent, *Spain* would be so far from succouring them, it could scarce receive Intelligence of their being attacked.

It appears plainly that *France* was so far from being surprised at these Difficulties, upon entering into the Treaty, and particularly as to the shedding of Blood, That the *French* King must in a Manner confess himself guilty of wilful Murder; else why doth he, by the Fourteenth Article of the Treaty, provide in case of Opposition made by the States agreed to belong to the Dauphin, that

that the united Powers of *France, England* and *Holland* should mutually assist one another by Force of Arms to enterprize the same.

What do the *French* mean by these Words, (*viz. The Design and Terms were united while the King of Spain lived* :) except his Intent by the Treaty was only to make Advantage of it during the King of *Spain's* Life, by loudly proclaiming in the Ears of his Catholic Majesty, and the Council of *Spain*, That the Monarchy was dismembered? What were his vehement pressing other Potentates to enter Guaranties of the Treaty, but to amuse *Spain*, and force them to think of new Resolutions, for preserving the Monarchy entire? The Archduke hath no Fleets to dispute the Power of those Princes engaged in the Partition; therefore we may conclude, it was not Choice but Necessity drove *Spain* to apply themselves to a Prince of *France*, where Treaties have no Sanctuary, nor Ambition any Bounds.

His Christian Majesty is for carrying on the Banter yet further; he would have the States believe, Though the Terms or Letter of the Treaty are broken, yet the Condition remains (as to the Umbrage of too many States devolving upon one and the same Crown, by the Accession of the Duke *D'Anjou* to that of *Spain*) and therefore to keep the Ballance of *Europe* even.

Ans. Now in this Point, I think the Monsieur is kinder to *Europe* than he designed; for he gives us some figurative Resemblance of the Terms or Notion of a distinct titular Kingship of *Spain*: By his former Paragraphs, he destroyed both Terms and Design of the Treaty. But I shall not be well satisfied till he quits his Designings; whilst the Ballance of *Europe* is to be secured by a Shadow only, the *French* enjoy the Substance, Design, and Spirit too; not of the Treaty of Partition, but what is worse, the Union of two Crowns, *viz. France* and *Spain*. I shall take but little Pains to prove the Suggestion, I am apt to believe the Ambassador's own Words imply one and the same thing, which are as follows, *viz.*

'The tender Affection of the King to his Catholic Majesty, would certainly be the strongest Barrier, and the most solid Assurance that *Europe* could desire.' In another Part of the Memorial his most Christian Majesty tells the States, 'We have already made known unto him (meaning the Catholic King) the true Affection which we bear you; and since we are persuaded, that his Sentiments will be agreeable to ours, the strict Correspondence which shall henceforwards be maintained betwixt our Crown and that of *Spain*, will give us new Opportunities of shewing you, how much we interest ourselves in what concerns you.'

The *French* King now begins to change his Style; now the Cards are dealt, he hath no more Occasion to shuffle them; henceforwards we shall hear nothing but of the irresistible Power of the two Crowns to menace and disturb the States of *Europe*; and this he doth not forbear telling you in another Part of the same Memorial, *viz.*

'If any Potentate should undertake to attack so many Rights, they would justly be branded with the odious Name of Disturbers of the public Repose, and begin an unjust War without any Appearance of Success.'

His most Christian Majesty will very suddenly apply himself to *Europe* in the Doctrine of Passive Obedience: The great Correspondence he pretends shall

be maintained betwixt the two Crowns, is what *Europe* most feared, and well hoped had been prevented, by the Treaty of Partition. But what Artifice must the *French* King use to persuade the Potentates of *Europe*, That the tender Affection of his Christian Majesty to his Catholic Majesty, will be the strongest Barrier and solemn Assurance that *Europe* can desire: In this, I confess myself to be much at a Stand, unless he means the Potentates of *Europe* are to have no Peace, but through the Intercession of his Catholic Majesty to that of *France*. If this must be the Event from the unhappy Conjunctions of the two Crowns (or rather evil Planets, I may say, from the Effects) the Price of this Peace, I fear, will cost nothing less than the Extirpation of the Protestant Religion, Loss of Trade, and the entire Subjection of *Europe*. Now in case this Olive-Branch will produce no better Fruit to *Europe*, I think, without Dispute, we ought to stock up the very Root from whence it springs: But to this End it will be held necessary to untye this *Gordian* Knot, it is very improbable it will dissolve of itself; or at least imprudent for *Europe* to stay to expect that Issue, we must use Means, the present Expedient proposed is that of Love, The Charms of the Archduchess.

Object. Now this is presumed will be but a Cure in part; this may lull the Emperor asleep for a while: But this excludes the Protestant Interest of *Europe*. By this Alliance, you only give *Rome* leisure to enterprize upon the Protestant Interest her damnable Practices: Then instead of expecting the Armies of the Emperor to divert upon the *Rhine* and in *Italy*, the Storm that may threaten us, we may hear of them entertaining the Protestant Princes of *Germany*: We must likewise expect at the same time, *St. Germans* will be Trump in *England*, and *Madrid* in *Holland*; so that this Remedy seems as bad as the Disease itself. So that we are not to let the Emperor's Spirits sink for Want of Succours, our only Recourse at present seems to be, to the Sword of the Archduke in Conjunction with the Powers of *Europe*, to cut this strong Bond made up by the Mystery of Iniquity.

If any object, That all Attempts upon *Spain* are to be suspended, lest by that Means you open a Door to the *French* Troops to possess themselves of all the strong Holds, and so consequently render the Enterprize upon *Spain* impracticable. I shall prove this Argument of no Weight.

For, to me there seems little Difference, whether the *French* Troops are already entered, or will do when there is Occasion; if we fear Opposition, we may then as well lay down our Army, and cry *Peccavi*: If the Enemy once knows we dare not strike, we must expect to meet with greater Provocations still, (both Knocks and Kicks). But it is hard we want greater to illuminate our Understandings, or Sense to discover the Danger we are in, if by so notorious an Act of Perfidy, the *French* King at an Instant swallows up the greatest Monarchy in *Europe* as one single Bait: Methinks we should not think it long, ere we may expect it to come to our own Turn; for, as I take it, the Question will shortly be, who must be first devoured? And though it is agreed on all Hands, that *France* and *Spain* united are very potent, yet we are not to think them omnipotent nor omnipresent; so that it matters not whether the Seat of War be in *New Spain*, or *Old Spain*, or in *France* itself; for, as long as the Force

Force is joint, they must be contested by the like or greater Force of the united Powers of *Europe*.

And further, the *French* King's Jugglings are such, that he spares not to abuse his nearest Kinsman and Ally, the Duke of *Savoy*, at the same Time he would have him put an inestimable Value upon his new Right, (as he terms it) which is a Claim in Remainder to the Dominions of *Spain*, after two Princes of *France*, and the Archduke, and their Issue. He forbears not telling you, that *France* hath the entire Execution of the Will; and though the two Princes of *France* die without Issue, is it to be thought that the *French* King, who now only in regard to the Peace of *Europe*, suffers the Duke D'*Anjou* to anticipate the Right of the Dauphin and Duke of *Burgundy*: I say, will he not then use the same Argument, and tell them how inconsistent it is with his Justice to suffer such a Breach upon his own House? Is it likely, when the *French* are in actual Possession, they will surrender at Discretion, after they have contested with the Force of *Europe*. If the Archduke can use no other Process but that of his Sword, can the Duke of *Savoy* think himself in a better Posture to prosecute his Title when he is bound Hand and Foot? When the *French* are once possessed of *Milan*, can he think himself more at Liberty than a Man that is kept Prisoner in his own House, when all the Doors are made fast upon him? So that we may necessarily conclude, the Care the Duke of *Savoy* ought to have of his present Estate, will very much imbitter the pleasurable Thoughts the *French* King would have him conceive in that of his contingent Succession, when *French* Troops are to become his only Guaranties for Livery of Seizin.

Now I would not be so understood, as to precipitate the *English* Nation into such a War, as to bear the whole Burden; the Case is now different from the last War, when it was in the very Bowels of the Kingdom. The Emperor and States as they seem most concerned, we may hope will be content, the *English* Quota's be such as have regard to the Defence of the Seas, and the Transportation of such Forces, whether for *Spain* or *France*, as the Nation can maintain by its own Product, without embezzling the Coin: This will answer the Intent of a flying Camp to a very great Degree, and whilst you alarm the whole Coasts of *Spain* and *France* (wherein if you take Footing you will secure Costs at last: But if not, if the *French* will be diverted to their Prejudice, the Advantage will be equal to the Confederate Armies :) You will maintain your Trade with Triumph, while the Seat of War becomes in a Manner universal in all *Europe*; besides you likewise open your Magazines and Storehouses, and carry your *English* Product to the best Market. So that when *France* shall see, that it is not only the Honour and Justice, but Profit likewise of the *English* Nation to protect and assist its Allies against such manifest Perjury: They must not look upon their present Gain all clear Profit; Futurity will bring them to another Reckoning, and perhaps their Misfortunes may then best inform them, what Value they ought, and are to put upon their Treaties.

The Translation of the States-General's Letter to his Majesty the Thirteenth of *May*, 1701.

Die Veneris 9. Maij, 1701.

IT is Ordered by the Lords Spiritual and Temporal in Parliament assembled, That The Translation of the States-General's Letter to his Majesty, the 13th of *May*, 1701, read this Day in the House, shall be forthwith printed and published.

Matthew Johnson, Cleric' Parliamentor

S I R,

SINCE the Protestation we made to your Majesty, in our last Letter of the 23d of *April*, not to enter into any Negociation with *France*, but in Concert with *England*; we have judged it proper to ask Count *D'Avaux*, Ambassador Extraordinary from his most Christian Majesty, if he was inclined and authorized to enter again upon the Negociation, in the manner it was begun, jointly with the Minister of your Majesty, as your Majesty will see by our Resolution of the 2d of this Month, here enclosed: Count *D'Avaux* having sent it to his most Christian Majesty, after the Return of his Express, presented a Memorial, of which we likewise add a Copy to this Letter. We immediately communicated it to Mr. *Stanhope*, your Majesty's Envoy Extraordinary, and after having consulted with him about it, we found some Things obscure in the said Memorial, which made us doubt of the true Meaning of it; therefore we thought it necessary to acquaint the said Count *D'Avaux* with the Letter we had the Honour to write to your Majesty the 23d of *April* last past; and that we were engaged not to take any Measures in the Negociations, but in Concert with your Majesty. Count *D'Avaux* made Answer to our Deputies, that he was come hither to treat about the Means of preserving the general Peace, and establishing our particular Safety; that if we would concert thereupon with your Majesty, he had nothing to object against it; and that he was content that your Majesty's Envoy should assist at the Conferences which are to be held upon that Subject: But that he was not at all authorized to enter into Negociation with him about the Concerns of *England*, which were to be treated elsewhere: To which our Deputies represented, that in the Preservation of the general Peace, in which your Majesty is equally concerned with us, our Safety could no ways be separated from that of *England*; that the Interest therein was common to both the two Nations; and that in the present Negociation, your Majesty could not, without doing you wrong, be looked upon otherwise than as a principal Party, as well as we. But notwithstanding the many Instances, and all the Reasons our Deputies could alledge, Count *D'Avaux* persisted in his aforesaid Answer, saying, that he had no other Orders; that he would send our Resolu-

tion.

tion (of which your Majesty will find herewith a Copy) to the Court of *France*, without giving the least Hopes of receiving an Answer agreeable to our Sense of Matters. Upon the Report which was made to us of this Matter, we judged by this Means the Interests of *England* would be separated from those of our Republick, whereas we think them inseparable: And since it is evident that they are so, we could draw no other Conclusion from this Proceeding, than that *France* had a Mind to put an End to these Conferences, and to grant none of the Securities demanded, and which are so necessary for the Preservation of your Majesty's Kingdoms, and of our State. We are obliged to make all this known to your Majesty, and do again protest, that our Interests being the same with those of your Majesty, in this present Negotiation, and not to be separated one from the other, we will not suffer them by any Means to be divided. At the same Time, Sir, we cannot but represent to your Majesty the great Need we have of being assisted, without Loss of Time, if we will prevent the Ruin that threatens us, and the evident Danger we are in. Your Majesty knows perfectly well the State of our Affairs, and will easily judge, if it is possible, in the Condition we are, to resist the Forces of *France*, so much superior to ours: Which was the Reason of our earnest Request to your Majesty to perform the Treaty made, with the Approbation of the Parliament, in the Year 1678, between King *Charles* the Second (of glorious Memory) and this State. We do now repeat our most pressing Instances, that we have speedily the Succours stipulated, and the entire Effect of the said Treaty. We hope your Majesty will seriously consider the State we are in, especially after the positive Assurances your Majesty has given us, that your Parliament had resolved to interest themselves with Vigour for our Preservation, and to assist us in our present Necessity, by furnishing the Succours agreed on. We will acquaint your Majesty with the Posture *France* puts itself in, and your Majesty will thereby judge, whether our Fear, which animates our Demands, is ill grounded. *France* not being satisfied with having taken Possession of all the Places that belonged to *Spain* in the *Netherlands*, does daily put into them, and causes actually to march thither very formidable Forces. They are drawing a Line from the *Schelde* near *Antwerp*, to the *Maes*; and beginning another Line, as we are informed, from *Antwerp* to *Ostend*. They send to the Places which are nearest to our Frontiers a very great Number of Cannon. They erect, with all Diligence, a great many Magazines in *Flanders*, *Brabant*, *Geldres* and at *Namur*, which they fill with all Sorts of Ammunition and Provision for War, besides the vast Quantities of Forage they lay up every where. They build Forts under the Cannon of our Towns. Moreover they have endeavoured, and do still endeavour without ceasing, to separate the Princes our Friends from our Interest, and to engage them in their Alliance, or at least to a Neutrality. In fine, our Friends are made useless to us by the Intrigues and Divisions in the Empire, and those of *France* augmented, so that we are surrounded on all Sides, except by Sea. You see, Sir, without any Disguise, the true State and Condition to which we are reduced, without the Addition of any thing but what is Matter of Fact. This makes us hope, that as your Majesty knows perfectly well our Affairs, you will agree with us, that our Condition at present is worse than it was during the last War, and worse than if we were actually in War, since they build Forts under

the Cannon of our strong Places, and make Lines along our Frontiers and that we cannot hinder them as we could do if we were in War. These Reasons oblige us to put ourselves into a defensive Condition, more than if we were actually attacked: To put our Country under Water: And even to cut our Dykes to secure our Frontiers. We find ourselves forced to make Use of these Means, and whatever else we could have done in an open War, insomuch that our Subjects suffer already more than they did in the last War. Hitherto the Winter has been some Sort of a small Security to us: That Season is now past, and we do expect every Moment to be invaded and over-run, unless we are speedily succoured. We do promise it ourselves from you, Sir, especially since it has pleased your Majesty to assure us, that your Parliament had taken favourable Resolutions in our Behalf. And as our Necessity is very pressing, so we beseech your Majesty to consider well the Extremity we are in, and the Impossibility we are under of avoiding the total Ruin and Overthrow of our State, if we are left in this Condition. Sir, we believe the Interest of *England* so closely united to ours, that we will expose ourselves to all Events, rather than suffer them to be separated, or to take any other Measures than in concert with your Majesty. It is very needless to represent to your Majesty, that the Preservation of your own Kingdoms should engage you to prevent our Ruin, seeing we think their Loss is inseparable from ours. The Reasons, Sir, are better known to you than to us, as well as the fatal Consequences they will be exposed to, in leaving us in this Condition; which persuades us, that by your Majesty's great Prudence, and the good Intentions of your Parliament, you will direct all Things so, as to let *Europe* see, that nothing is more conducive to its Safety than the Alliances with *England*, and your Friendship for us: We expect without Delay the Succours and the Performance of the aforementioned Treaty, and pray to God,

S I R,

To preserve your Majesty's sacred Person in a long State of Health, and your Dominions in a flourishing Condition.

At the Hague, the 13th of May, 1701.

Your Majesties

Very humble Servants,

The States-General of the United Provinces.

ISWickers.

By Order of the States,

J. Fagel.

A true List of the Knights, Citizens, and Burgeffes of this present Parliament, appointed by Proclamation to meet at *Westminster*, on *Thursday* the 6th of *February*, 1700-1.

(Note, Those who have this Mark [*] before them, were not Members of the last Parliament.)

<i>Bedfordshire</i> 4. The Rt. Hon. the Lord Edward Ruffel Sir William Gostwick, Kt. and Bar.	<i>Borough of Chipping Wi- comb.</i> Charles Godfrey, Esq; * Fleetwood Dormer, Esq; <i>Borough of Aylesbury.</i> * Sir Thomas Lee, Bar. The Hon. James Herbert, Esq; <i>Borough of Agmondestham.</i> The Rt. Hon. William Lord Cheyne, Viscount Newhaven Sir John Garrard, dead <i>Borough of Wendover.</i> John Backwell, Esq; * Richard Hambden, Esq; <i>Borough of Great Marlow.</i> Sir James Etherege, Kt. James Chase, Esq;	Sir Robert Cotton, Bar. <i>City of Chester.</i> * Sir Henry Bunbury, Bar. Peter Shackerly, Esq;
<i>Town of Bedford.</i> William Spencer, Esq; * Samuel Rolt, Esq;		<i>Cornwall</i> 44. The Rt. Hon. Hugh Bos- coven, Esq; John Speccot, Esq; <i>Borough of Dunbivid, alias Lanceston.</i> The Rt. Hon. Henry Ld. Hyde William Carey, Esq; <i>Borough of Leskard.</i> William Bridges, Esq; Henry Darrel, Esq; <i>Borough of Lestwithiel.</i> * Sir John Mollsworth, Bar. * John Buller of Keverel, Esq;
<i>Berks</i> 9. Sir Humphry Foster, Bar. Richard Neville, Esq; <i>Borough of New Windsor.</i> The Rt. Hon. John Lord Visc. Fitzharding Richard Topham, Esq; <i>Borough of Reading.</i> Sir Owen Buckingham, Kt. * Francis Knowles, Esq; <i>Borough of Wallingford.</i> * William Jennings, Esq; * Thomas Randa, Esq; <i>Borough of Abingdon.</i> Symon Harcourt, Esq;	<i>Cambridgeshire</i> 6. The Rt. Hon. John Lord Cutts Sir Ruthout Cullen, Bar. <i>University of Cambridge.</i> The Hon. Henry Boyle, Esq; Anthony Hammond, Esq; <i>Town of Cambridge.</i> Sir John Cotton, Bar. Sir Henry Pickering, Bar.	<i>Borough of Truro.</i> Henry Vincent, Esq; Hugh Fortescue, Esq; <i>Borough of Bodmin.</i> The Hon. Ruffel Robarts, Esq; John Hoblyn, Esq; <i>Borough of Helston.</i> Charles Godolphin, Esq; Sidney Godolphin, Esq; <i>Borough of Saltash.</i> Alexander Pendarvis, Esq; Francis Buller, Esq;
<i>Bucks</i> 14. The Rt. Hon. William Lord Cheyne, Viscount Newhaven. The Hon. Goodwin Whar- ton, Esq; <i>Town of Buckingham.</i> Sir Richard Temple, Bar. Sir Edmund Denton, Bar.	<i>Cheshire</i> 4. Sir John Manwaring, Bar.	<i>Be-</i>

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Lord Marquis of Har-
tington.

The Rt. Hon. John Lord
Roos

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Ruffel

The Rt. Hon. Ld. Edward
Ruffel

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ley, Esq;

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Henry Lee, Esq;
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Borough of Preston in A-moudernefs.
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Henry Ashurst, Esq;
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Christopher Lister, Esq;
Thomas Stringer, Esq;
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Lawrence Carter, Esq;
- Lincolnshire, 12.*
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 * Hugh Smithson, Esq; John Parkhurst, Esq; Bar.
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 * Thomas Cross, Esq; * Gilbert Dolbyn, Esq; *Oxon, 9.*
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 * John Morgan, Esq; William Forster, Esq; *Borough of New Woodstock.*
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 Sir Jacob Astley, Kt. and Bar. * Sir Henry Liddell, Bar. *Borough of Banbury.*
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 Robert Davy, Esq; Sir Henry Bellafyse, Kt. * John Dormer, Esq;
 Thomas Blofield, Esq;

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- Salop 12.*
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 Robert Lloyd, Esq;
Town of Salop.
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 * Sir William Daines, Kt.
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City of Wells.
 William Coward, Serjeant at Law.
 Henry Portman, Esq;
Borough of Taunton.
 Edward Clarke, Esq;
 Henry Portman, Esq;
Borough of Bridgwater.
 * Robert Balsh, Esq;
 * John Gilbert, Esq;
Borough of Minehead.
 Sir Jacob Banks, Kt.
- Alexander Lutterel, Esq;
Borough of Ilcester.
 * Sir Philip Sydenham,
 * James Anderton, Esq;
Borough of Milburn-Port.
 Sir Thomas Travell, Kt.
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- Southampton 26.*
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 James Worsley of Pylewell, Esq;
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 Thomas Dore, Esq;
 * Paul Burrard, Esq;
Borough of Whitchurch.
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 Richard Woollaston, Esq;
Borough of Andover.
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 * Francis Shepherd, Esq;
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 Edward Baggott, Esq;
City of Litchfield.
 Richard Dyot, Esq;
 * William Walmesley, Esq;
Borough of Stafford.
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 * John Chetwind of Ingstree, Esq;
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 * ——— Cotton, Esq;
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- Borough of Orford.* John Miller, Esq;
 * Sir Edward Turner, *City of Chichester.*
 Bar. * Sir Thomas May, Kt.
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 Sir John Fagg, dead.
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City of Coventry.
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 * Thomas Hopkins, Esq;
Borough of Warwick.
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Westmorland 4.
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 * Henry Graham, Esq;
- Borough of Apulby.*
 The Hon. Gervase Peire-
 point, Esq;
 * Wharton Dunche, Esq;
Wiltshire 34.
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 * Richard Howe, Esq;
City of New Sarum.
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 Henry Pynhill, Esq; * Sir Robert Bedingfield, Sir Philip Boteler,
Borough of Marlborough. Kt. *—Boteler, Esq;
 The Rt. Hon. R. Earl of Anthony Duncombe, *Port of Dover.*
 Ranelagh. Esq; *The Rt. Honourable. Sir
 * John Jefferys, Esq; *Borough of Boroughbrigg.* Charles Hedges, Kt. Prin-
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 Sir J. Packington, Kt. Sir Henry Goodrick, Matthew Aylmer, Esq;
 William Walsh, Esq; Bar. *Port of Sandwich.*
City of Worcester. Sir Brian Stapleton, Bar. * Sir Henry Furnese, Kt.
 Samuel Swift, Esq; *Borough of Malton.* * John Taylor, Esq;
 * Thomas Wild, Esq; Bar. *Port of Seaford.*
Borough of Droitwich. Sir William Strickland, Sir William Thomas, Bar.
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Borough of Evesham. Sir Godfrey Copley, Bar. *Wales 24.*
 * Sir James Rushout, Bar. Sir Thomas Frankland, Bar.
 John Rudge, Esq; *Borough of Aldborough.* *Anglesey 2.*
Borough of Bewdly. * Robert Muncton, Esq; The Rt. Hon. Ld. Vis.
 Selway Winington, Esq; * Cyrill Arthington, Esq; Bulkeley.
Yorkshire 30. *Borough of Beverly.* *Borough of Beaumaris.*
 The Rt. Hon. Thomas Sir Michael Wharton, Kt. * Coningsby Williams, Esq;
 Lord Fairfax. Ralph Wharton, Esq; *Brecon. 2.*
 * Sir John Kay, Bar. *Borough of Northallerton.* Sir Rowland Gwynne, Kt.
City of York. Sir William Husler, Kt. *Town of Brecon.*
 Sir W. Robinson, Bar. Ralph Milbanck, Esq; * Sir Jeffery Jefferys, Kt.
 * Ed. Thompson, Esq; *Borough of Pontefract.* *Cardigan 2.*
Town of Kingston upon Hull. Sir John Bland, Bar. * Sir Hu. Mackworth.
 Sir William St. Quintin, John Bright, Esq; *Town of Cardigan,*
 Bar. *Barons of the Cinque-Ports,* John-Lewis of Coedmore,
 * William Master, Esq; 16. Esq;
Borough of Knaresborough. *Port of Hastings.* *Carmarthen 2.*
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 Christopher Stockdale, Esq; Peter Got, Esq; *Town of Carmarthen.*
Borough of Scarborough. *Town of Winchelsea.* Richard Vaughan, Esq;
 The Right Honourable The Hon. T. Newport, Esq; *Carnarvan 2.*
 Arthur Lord Viscount Irwin. Esq; The Hon. T. Bulkeley, Esq;
 Sir J. Wynne, Bart. *Town of Carnarvan.*
 Dunbigb

<i>Denbigh 2.</i> Sir Rich. Middleton, Bart.	<i>Town of Cardiffe,</i> Sir Edward Stradling, Bar.	<i>Town of Pembroke.</i> Sir John Philips, Bar.
<i>Town of Denbigh.</i> Edward Brereton, Esq;	<i>Merioneth 1.</i> Hugh Nanny, Esq;	<i>Radnor 2.</i> Thomas Harley, Esq;
<i>Flint 2.</i> Sir John Conway, Bar.	<i>Montgomery 2.</i> Edward Vaughan, Esq;	<i>Town of Radnor.</i> Robert Harley, Esq;
<i>Town of Flint.</i> Thomas Moystin, Esq;	<i>Town of Montgomery,</i> *John Vaughan, Esq;	
<i>Glamorgan 2.</i> Thomas Mansell of Brit-	<i>Pembroke 3.</i> <i>Town of Haverford-West.</i>	<i>In all 513.</i>
ton-Ferry, Esq;	*William Wheeler, Esq;	

The History of the *Kentish* Petition. 1740.

THE PREFACE.

TWOULD be hard to suspect him of Errors in Fact, who writes the Story of Yesterday: A Historian of three Weeks must certainly be just, for had he never so much Mind to lye, it would be Nonsense to expect the World could be impos'd upon, every Body's Memory would be a living Witness against him, and the Effect would be only to expose himself.

Authors of Histories generally apologize for their Quotations, plead their Industry in the Search after Truth, and excuse themselves by asserting the Faithfulness of their Collections. The Author of the following Sheets is not afraid to let the World know, that he is so sure every thing that related is in this Account is literally and positively true, that he challenges all the Wit and Malice the World abounds with, to confute the most trifling Circumstance,

If Aggravations are omitted, and some very ill-natured Passages let go without Observations, those Persons who were guilty of them may observe that we have more Good-Nature than they have Manners; and they ought to acknowledge it, since a great many Rudenesses both against the King himself and the Gentlemen concerned have escap'd their scurrilous Mouths which are not here animadverted upon.

And lest the World should think this presumptive, and that the Accusation is only a Surmise, we will query what they think of that kind Remark of Mr. J. How, finding the King's Letter to the House, and the *Kentish* Petition to come both on a Day, and the Substance to be the same, 'that the King, and the Dutch, and the *Kentish* Men were all in a Plot against the House of Commons.'

I could have swell'd this Pamphlet to a large Volume if I should pretend to collect all the Billingsgate Language of a certain House full of Men, against the King, the Lords, and the Gentlemen of Kent; but it is a fitter Subject for a Satyr than a History: they have abus'd the Nation, and now are become a Banter to themselves; and I leave them to consider of it, and reform.

I assure the World I am no Kentish Man, nor was my Hand to the Petition : Tho' had I been acquainted with it, I would have gone a Hundred Miles to have signed it, and a hundred more to have had the Opportunity of serving my Country, at the Expence of an unjust Confinement for it.

It may be fairly concluded, I am no Warwickshire Man neither, with a Petition in my Pocket brought a hundred Miles, and afraid to deliver it.

Nor my Name Sir Robert Clayton, by which you may know that I did not promise the Members, who were then in Fear enough, to use my Interest to stifle a City Petition.

Nor is my Name Legion, I wish it were, for I should have been glad to be capable of speaking so much Truth, and so much to the Purpose as is contained in that unanswerable Paper.

But I am an unconcerned Spectator, and have been an exact Observer of every Passage, have been an Eye and Ear-Witness of every most minute Article, and am sure that every thing related, is as exactly true as the Causes of it all are scandalous and burthensome to the Nation.

As to the Gentlemen of the House of Commons, I shall not pretend to enter into their Character, because I care not to enter into Captivity, nor come into the Clutches of that worst of Brutes, their Serjeant.

Literally speaking, no Member of the House of Commons can be a Jacobite, because they have taken the Oaths to King William. But this may be observed, that the Jacobites in England are generally the only People who approve of their Proceedings, and applaud their Measures ; and it is observable that at Paris and St. Germans the genteel Compliment of a Health in all English Company is, a la Sante Monsieur Jack-How ; the Truth of which there are not a few very good Gentlemen in Town can attest, from whence I think I may draw this Observation, that either he is a Jacobite, or the Jacobites are a very good-natured People.

Noscitur ex socio qui non Dignoscitur ex se.

The following Sheets contain an exact History of the Kentish Petition, and of the Treatment the Gentlemen who presented it, met with both from the House, the Serjeant, and at last from their Country.

The best way to come to a Conclusion, whether the Gentlemen Petitioners were well or ill us'd, is to review the Matter of Fact, all Panegyrics and Encomiums come short of the natural Reflections which flow from a true Account of that Proceeding, and the whole is collected in this Form, that all the World may judge by a true Light, and not be imposed upon by partial and imperfect Relations.

ON the 29th of April, 1701, the Quarter-Sessions for the County of Kent, began at Maidstone, where William Colepeper, of Hollingbourn, Esq., was chosen Chairman, tho' he was then absent, and with an unusual Respect the Bench of Justices proceeded to do Business, and kept the Chair for him, for several Hours, 'till he came.

The

The People of the County of *Kent*, as well as in most Parts of the Kingdom, had expressed great Dissatisfaction at the slow Proceedings of the Parliament; and that the King was not assisted, nor the Protestants abroad considered; and the Country-People began to say to one another in their Language, 'That they had sowed their Corn, and the *French* were a coming to reap it:' And from hence it is allowed to proceed, that during the sitting of the Session, several of the principal Freeholders of the County applied themselves to the Chairman aforesaid, and told him, it was their Desire that the Bench would consider of making some Application to the Parliament, to acquaint them of the Apprehensions of the People.

The Chairman replied, 'It was the proper Work of the Grand-Jury to present the Grievances of the Country, and therefore he referred them to the said Grand-Jury who were then sitting.'

The Grand-Jury being applied to, accepted the Proposal, and addressing to the said Mr. *Colepeper*, the Chairman acquainted him that they had approved of such a Motion made as before, and desired that the Bench would join with them; the Chairman told them he would acquaint the Justices of it, which he did, and they immediately approv'd of it also, and desired the said *William Colepeper*, Esq; their Chairman, to draw a Petition.

Mr. *Colepeper* withdrew to compose it, and having drawn a Petition, it was read and approved, and immediately ordered to be carried to the Grand-Jury, being twenty-one in Number, who all unanimously signed it, and brought it into Court, desiring all the Gentlemen on the Bench would do the same; whereupon the Chairman and three and twenty of the Justices signed it, and the Freeholders of the County crowded in so fast, that the Parchment was filled up in less than five Hours Time; and many Thousands of Hands might have been had to it, if the Justices had not declined it, refusing to add any more Rolls of Parchment, as insisting more upon the Merits of the Petition, than the Number of Subscribers. By all which it appears how foolish and groundless their Pretences are, who would suggest, that the Petition was a private Thing transacted by a few People; whereas 'tis plain 'twas the Act and Deed of the whole Country.

As soon as the Petition was signed, and there was no more room for any Hands, it was delivered by the Grand-Jury to the aforesaid *William Colepeper* Esq; Chairman of the Session, and he was desired to present it in their Names to the Parliament, which at their Request he promised to do, and the rest of the Gentlemen, viz. *Thomas Colepeper*, Esq; *Justinian Champneys*, Esq; *David Pollbill*, Esq; and *William Hamilton*, Esq; offered themselves to go with him.

On *Tuesday* the 6th of *May* they came to Town with the Petition, and the next Day they went up to the House, and applied themselves to Sir *Thomas Hales*, in Order to desire him to present it to the House; he being one of the Representatives of the County of *Kent*; Sir *Thomas* read the Petition, and telling them it was too late to present it that Day, it being after twelve o'Clock, desir'd they would let him show it Mr. *Pelham* of *Sussex*, and Mr. *Colepeper* told him he was willing enough Mr. *Pelham* should see the Petition, not doubting he would be a Friend to it, but that he was unwilling to part with it, being entrusted with it by his Country, adding, 'That he should make but an indiffe-

rent

'rent Figure in the Country, if the Petition should be got out of his Hands and 'lost.' Whereupon Sir *Thomas Hales* past his Word and Honour, that he would not show it to any Person whatever, but to Mr. *Pelham*, and that he would return it to them immediately. But this Word and Honour so solemnly engaged, was as easily forgotten: For having got the Petition, he carried it into the House, where he stayed an Hour and a Half, and then returning, he gave it to the Gentlemen; and told them he had shewn it to Sir *Edward Seymour* and several others.

This perfidious Action to that very Part of the Nation which he represented, deserves some special Notice, and there is no question but the People will remember it for him, and show their Resentment on proper Occasions.

Mr. *Colepeper*, in the Name of the rest, gave him an Answer suitable to the Action, and sufficient to let him know their Surprize at so ungentleman-like Usage, viz. 'That he had broke his Word, and served his Country very 'ill.' But this being neither Place, nor Season, for further Debates, he appointed to meet them in the Evening, and then after making them wait two Hours beyond his time, he adjourned them till next Morning in the *Court of Request*, where he told them absolutely, that he would not deliver the Petition.

Here it is very observable, that at the very time Sir *Thomas Hales* came out of the House, and return'd the Petition in the Manner above-mentioned, Mr. *Meredith*, the other Representative for the County came to them, and told them that their Petition had been expos'd in the House, and that Mr. *How* was then making a Speech against it.

The Gentlemen finding themselves thus betrayed by Sir *Thomas Hales*, consulted together, about finding another more proper Person to deliver the Petition, and resolved to apply themselves to Mr. *Meredith*, the other Member for the County of *Kent*, and Mr. *Meredith* having agreed to deliver it, in Case Sir *Thomas Hales* should refuse, had appointed to meet them, with several other Gentlemen, Members of the House, in Order to consult about the Matter of the Petition, and the Manner of delivering it.

In the Morning the House being met, Mr. *Meredith* came out and told them the House was in such a Ferment that none of the Gentlemen durst appear for it, nor come to them, and he doubted would not venture so much as to speak a Word in the House for the Petition.

Nor were these all the Discouragements the Gentlemen met with in their presenting the Petition, but several Members of the House pretending Respect, and others that were really their Friends, and in concern for them, came out of the House to them, and endeavoured to persuade them not to expose themselves to the Fury of the House, by delivering the Petition; telling them that Mr. *How* in particular had said, 'That if there were one hundred thousand Hands to the Petition, they should be all made Examples of.' And Sir *Edward Seymour* added, 'That the whole County should be double-taxed, and 'the Estates of those who presented it, be confiscated to the Use of the War.'

Altho' these Menaces, together with the almost Omnipotent Power of the House of Commons, had Circumstances enough in them to shake the Resolution of a whole County, yet they had not the Effects here which was expected, for the Gentlemen, far from being terrified at all this, unanimously declared their Resolution to discharge the Trust placed in them by their Country, and to present

present it to the House; and Mr. *William Colepeper* in particular alluding to the Words of *Luther*, to those who dissuaded him from going to the City of *Worms*, told them, 'That if every Tile upon the Chapple of Saint * *Stephen's* was a Devil, he would present the Petition.' And all of them declared, 'That if none of the Gentlemen would do their Country so much Service as to present their Grievances to the Parliament in a legal Petition, they would knock at the Door of the House and deliver it themselves.' Mr. *Meredith*, finding the Gentlemen so resolute, did consent to carry in the Petition, which he perform'd with great Discretion and Fidelity.

The Petition being thus delivered, the Gentlemen attended, for Mr. Speaker further to intimidate them, had let fall some Speeches, 'That it was the Usage of the House when a Petition was brought in, the Persons who presented it ought to be ready without to justify the Matter of their Petition.' And the Gentlemen seeing no Reason to be ashamed of theirs in particular, resolved to abide the utmost which their and the Nation's Enemies could do to them.

Having waited about half an Hour, they were called in to the Bar of the House, where Mr. Speaker, treating them in his usual haughty Tone. This short Dialogue passed between them.

Speaker. Gentlemen, is this your Petition? [*Holding up the Petition by one Corner.*]

Gentlemen. Yes, Mr. Speaker. [*Bowing very respectfully.*]

Speaker. And, Gentlemen, you own this Petition?

Gentlemen. Yes, Mr. Speaker.

Speaker. And, Gentlemen, your Hands are to this Petition?

Gentlemen. Yes, Mr. Speaker.

Speaker. [*Turning to one of the Clerks*] Carry it to them, and see if they will own their Hands. [*Which they severally did.*]

Speaker. Withdraw, and expect the Order of the House.

Whereupon they withdrew, and attended in the Lobby, and now began the second Attack upon their Resolutions for the Members, who came out represented with all the Terror imaginable the Fury of the House; Imprisonment and the Ruin of their Fortunes and Families was the least they had to expect; Impeachments, Laws *ex post Facto*, tacking them to Money-Bills, and all the arbitrary Methods which any arbitrary Parliament have ever made use of to ruin those who have felt their magnipotent Indignation, were laid before them. When some who pretended Pity for the Misfortune of so many worthy Gentlemen, came out of the House and told them they had yet a lucky Moment left them, by an immediate Submission, to fly to the Clemency of the House, that they were sent out by Sir *Edward Seymour* and the rest of the Gentlemen on that Side, to let them know that Mr. *How* was now speaking, and would continue so for some time, to give them Opportunity to recollect themselves, and by a timely Acknowledgment to save themselves from Ruin.

The Gentlemen being at a loss to know in what Particular they could have given the House such Offence, and being well assured they were in the Pro-

* The House that the Commons did sit in was formerly *St. Stephen's Chapple*.

Protection of the Law, and had not acted any thing but what the known Constitution of the Realm expressly allowed, remained still unshaken, and boldly replied, 'They had nothing to say but what was in their Petition.'

But being further pressed by Sir *Theophilus Oglethorpe*, and several other Gentlemen; and because they would not show any Disrespect to the House, or seem to slight their Displeasure, they consider'd of an Answer to be given to the Proposal of Submission.

And because whatever Answer they gave might be misrepresented to the House, delivered by Word of Mouth, they resolved to put it into Writing, and having consulted a while they agreed to send in this civil Answer.

'We are humbly of Opinion, that it is our Right to petition this honourable House, according to the Statute of 13 *Car. II.* As to the Matter of our Petition, we declare that we intend nothing offensive to this honourable House.'

This Writing being shewn to Sir *Theophilus Oglethorpe*, and several other Members, they began to smile, and imagined their Point gain'd, and told the Gentlemen they were glad they began to be sensible of their Danger; and if they would but add one Word more, *viz.* that they were sorry for what they had done, they would undertake for the Clemency of the House: This they unanimously refus'd, one of the Gentlemen with some Heat replying, 'We will have no sorry.' Here the Members (or Conspirators rather) would have had them put it, that they did it through Inadvertency. This they also refus'd, declaring they did it at the Request of their Country, maturely and deliberately, were justified in doing it by the Laws of the Land, and they would never recede from it.

So they delivered the Paper to Sir *Thomas Hales*, but whether he delivered it to the House or no, he never had the Civility to inform them.

The Debate in the House held five Hours, after which Notice was given them by the Messengers, that the House had voted the Petition scandalous, insolent, and seditious, [*vid.* the Votes] tending to destroy, &c. and ordered them to be taken into Custody for the same; upon which the Gentlemen went and immediately surrendered themselves to the Serjeant, though the Warrant was not made out for some Hours after.

The Serjeant only asked them where he should come to them at Dinner, which was agreed to be at the *Castle-Tavern* in *Fleet-street*, where they dined on *Thursday*, *Friday*, and *Saturday*, and were hitherto very civilly treated by his Officers; and accompanied by great Numbers of Citizens and Gentlemen of the first Quality, and not a few of the Nobility; the Officers were seldom with them, went of Errands for them, and oftentimes were all absent together; so that there was no Colour of Reason for the Serjeant to say, he feared a Rescue, for they had all the Opportunities they could desire, if they had had the least Design to escape, and it was never heard of that they who could escape when they pleased, would expose their Friends to the Hazard of a Rescue.

On *Friday* in the Evening, Mr. Serjeant began to treat with them, and representing his absolute Power, letting them know, that he had an unbounded Liberty of using them at Discretion, that he could confine them at Pleasure, put them into Dungeons, lay them under Ground, keep them apart, remove

them daily, and keep all People from them, by making them close Prisoners. He thereby gave them to understand, that he expected a Consideration suitable to his Civility; upon this the Gentlemen offered him 100 Guineas, half in Hand, and the other when they should be discharged, though it should be next Day: The Serjeant neither accepted nor refused the Offer, nor expressed any Dislike as if he thought it too little, but appointed to come to them the next Day.

Saturday in the Evening Mr. *Thomas Colepeper*, having Notice that his Lady was very much frightened at his Confinement, desired Leave of the Messenger, in whose Custody he was, to let him go down to *Maidstone*, upon his Parole to return by *Monday Night*; which the Messenger tacitly granted.

The rest of the Gentlemen being met at the Tavern, expecting the Serjeant according to Appointment, and having waited till ten o'Clock, instead of coming himself, he sends Orders to the Messengers to separate the Gentlemen, and confine them in several Prisons, that very Night; which Order the Officers executed as rudely as the Serjeant could desire, saving that they obtained the Civility from the Officers to be confined two in one Place, and two in another; but were hurried away with such unmannerly Indecency, that they would not permit them to send for their Night-Gowns and Necessaries.

In this Manner Mr. *William Colepeper* and Mr. *Justinian Champneys* were carried to *Myatt's House*, the Messenger, in *Fox-Court* in *Holborn*, where they had this hard Choice proposed to them at their Entrance, Whether they would lodge in the Cellar or in the Garret; and chusing the latter, they were thrust into a little Hole on the Top of the House, where they had all the Inconveniences of a nasty Prison, as base Lodging, foul Sheets, little Covering, and a cold Room; by which Means they both took such Cold as they have not yet recovered.

But Mr. Serjeant, lest they should not be treated ill enough, coming the next Morning to Mr. *Myatt's House*, was in a great Rage at him, and drawing his Sword cut him over the Head, for 'using the Gentlemen so civilly,' as he call'd it: Afterwards coming up into the Garret where Mr. *Colepeper* and Mr. *Justinian Champneys* were lodged, they asked him, What Order he had for using them thus? He replied, He had an Order from those who committed them. Being asked again, If there was any such Vote passed in the House? He said, No; but he had an Order. Mr. *Colepeper* reply'd, 'If it be not a Vote of the House, pray how is it an Order? Have the Majority of the House, one by one, come to you, and given you Direction to use us thus barbarously?' He reply'd, Yes, they had. For which scandalous Reflection, if false, his Masters the Members of the House of Commons, are exceedingly obliged to him. Mr. *Colepeper* told him, 'He believed he should live to see him hang'd:' And so they parted.

All this while Mr. *Polbill* and Mr. *Hamilton* were put into a Cellar, without the Favour of having their Choice, and had so vile a Lodging that they could scarce breathe; and were likewise in their Turn bullied by Mr. Serjeant the next Day; and when they asked him to shew them the Copy of their Commitment, he denied it; Mr. *Polbill* in particular replied, they asked him nothing but what by Law he ought to grant: He rudely replied, 'He cared not a
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‘Fart for them, nor the Law neither.’ And so left them; which Refusal of his he may hear of again perhaps in a way of legal Application.

On *Tuesday* he gave the House Notice, that the younger Mr. *Colepeper* had made his Escape, though he had a Letter from him that he would be in Town that very Day; and at the same time he made a Complaint that the other Gentlemen behaved themselves so disorderly, that he apprehended a Rescue; though the Gentlemen, to avoid any Suspicion, had voluntarily surrendered their Swords to the Messengers, without being required so to do.

This Complaint to the House was the Gentlemen’s Deliverance, and the Serjeant’s Disappointment, though not in Kindness to them neither, for ordering them to the *Gatehouse*, as a more ignominious Confinement, the Serjeant lost the extravagant Fees which he designed to extort from them; and the Humanity of Captain *Taylor*, the Keeper of the *Gatehouse*, made their Restraint easy to them; for this Keeper used them like Gentlemen, and the Reputation he has obtained by his Civility, will be as lasting as the Infamy of the Serjeant, the one leaves a grateful Acknowledgment in the Mouths of all Men, and will always be spoken of to his Advantage; and the other nauseous like the Person, is dishonourable both to his Memory, and to the House that employed him.

On *Wednesday*, *Thomas Colepeper*, Esq; the younger Brother, who had been in *Kent*, and who was just come up according to his Promise, rendered himself to the Speaker, and desired to be sent to his Brethren. Mr. Serjeant, who thought to make himself Amends upon him, laboured to have him continued in his Custody, and had not that Party in the House thought the *Gatehouse* a greater Punishment, possibly it had been so. But therein that infallible House were deceived, and he was delivered from the Hands of a Villain, by his Enemies themselves, who thought they had mortified him the more, to the infinite Regret of the Serjeant, and the general Satisfaction of his Fellow-Sufferers.

The same Morning that Mr. *Colepeper* surrendered himself, *The Legion Paper*, as it was called, was sent to the House; it was said it was delivered the Speaker by a Woman, but I have been informed since that it was a Mistake, and that it was delivered by the very Person who wrote it, guarded with about sixteen Gentlemen of Quality, who if any Notice had been taken of him, were ready to have carried him off by Force; it was reported, that Mr. *Thomas Colepeper* brought it out of *Kent*, and that all the Country were at his Heels to make it good, though it was really no such thing, and that Gentleman declared he knew nothing at all of it.

But be it as it will, that Paper struck such a Terror into the Party in the House, that from that time there was not a Word ever spoken in the House of proceeding against the *Kentish* Petitioners, and the Members of that Party began to drop off and get into the Country, for their Management began to be so disliked over the whole Nation, that their own Fears dictated to them they had run Things too far.

The Clashings with the Upper House about the Trial of the four Peers they had impeached, and the miserable Shifts they were driven to by the Lords, to avoid trying them, served but to make them more uneasy, and to hasten the Dispatch of the Money Bills in order to the Prorogation, which was on the 23^d of June, 1701.

By the Prorogation, the *Kentish* Gentlemen were discharged; but to shew their Respect to the Civility of Captain *Taylor* their Keeper, they continued to lodge with him till they went into the Country.

The first Honour done them on Account of their Sufferings, was their being invited to a noble Entertainment at *Mercers-Hall* in *Cheapside*, at the Charge of the Citizens of *London*, where above two hundred Gentlemen dined with them, together with several noble Lords and Members of Parliament.

Thursday the 2d of *July*, they set out for *Kent*; the Citizens had offered to accompany them out of Town, but they declined it, desiring to go privately.

And those who pretend to charge them with affecting Popularity, would do well to remember, that they were fain to send their Coaches empty out of Town, and go by Water to meet them, to avoid the Respect which the Citizens would have shewn them.

But there was no shunning the Appearance of the Country, who shewed their Value for the Gentlemen, and the Cause for which they had suffered, in all the possible Terms of Respect and Affection.

The first Instance of this was at *Black-beath*, where Mr. *David Polhill*, one of the Gentlemen, was to separate from the rest, his Road lying near *Bromley* to his House at *Ottford* in *Kent*. He was met at *Black-beath* by above five hundred Horse, who received him into the midst of them, and surrounded his Coach with such Shouts, and Joy, as sufficiently testified their Respect for him and their Satisfaction at his Return among them: Nor can I omit, that having to satisfy my Curiosity, drank among and discoursed with some of that Party, while they were waiting for Mr. *Polhill*: I never heard of any Gentleman more universally beloved by the Country, or more particularly distinguished for Modesty and Temper; and I believe I may affirm that it would be hard to find any Gentleman so near the City of *London*, who could have had such an Appearance, of his own Tenants and Neighbours, to congratulate his Deliverance.

Mr. *Polhill* being come to the Corner of the Park Wall on *Black-beath*, stopt to take his Leave of his Brethren, and giving them a loud Huzza, wished them a good Journey, and proceeded to *Ottford*.

All possible Demonstrations of Joy concluded the Day, and it has not been known that the Country ever expressed more Satisfaction since the Coronation of King *William*, than at the return of this Gentleman.

The rest of the Gentlemen proceeded to *Rocheſter*, where they were met by such a Body of Horse, that the principal Inns of the Town could not entertain them, some of whom had come twenty Miles to meet them.

The Mayor of *Rocheſter* paid his Respect to them, and complained that he had no Notice given him of their coming, otherwise he would have met them out of Town with a good Body of Horse.

Here they rested to refresh themselves and Horses, and about six o'Clock set forward for *Maidstone*; the People of *Maidstone*, though it was Market-day, could not have Patience to wait at the Place where they generally go to meet the Judges, but a great many Horsemen met them on the Downs, and the Top of *Bexley-hill* four Miles from the Town.

At *Sandlin*, about two Miles from the Town, the Gentlemen of the Neighbourhood met them with their Coaches, and an innumerable Multitude of People on Horseback, and on Foot, shouting and bidding them welcome.

After a short Stay here to receive the Compliments of the Gentlemen, they proceeded (the Gentlemen's Coaches falling into the Rear) to the Park, the Seat of the Lady *Taylor*, who is married to Mr. *Thomas Colepeper*, where they were welcomed by the said Lady *Taylor*, the old Lady *Colepeper* the Mother of the Gentleman, and several Ladies of Quality, the People shouting all the while, *A Colepeper, a Colepeper*, and the Poor strowing the Ways with Greens and Flowers; and thus they proceeded into the Town, with such universal Acclamations of the People, as the like was never seen in that Country since the Restoration of King *Charles II.*

The Night concluded with a great Bonfire, and the Healths of all the Gentlemen drank round it, to the great Mortification of the *Jacobites*, of whom there are but very few in those Parts; and to the general Satisfaction of the Country.

Nor was this the only Appearance, for at *Beartsted*, about three Miles further, the Country was assembled, the Bells rung, and several hundreds of the People continued together all Night, with extraordinary Joy, expecting that the elder Mr. *Colepeper*, Mr. *Champneys*, and Mr. *Hamilton*, would have continued their Journey to *Holingbourn*, the antient Seat of the Family of the *Colepepers*; but the extraordinary Reception they found at *Maidstone*, had detained them so long, that it was too late to go on; so they lay at *Maidstone* that Night, and the next Day abundance of Gentlemen and Country People came particularly to pay their Respects to them, and bid them welcome into the Country.

And at the Time of the Assizes lately held at *Maidstone*, the Grand-Jury, consisting of very eminent Gentlemen and Freeholders of the County, whereof twelve were Justices of the Peace, went in a Body to the Gentlemen, and publicly gave them Thanks for their Fidelity to the Country, in delivering their Petition to the Parliament.

In all these Expressions of the Country's Joy at the Return of these honest Gentlemen, it might be enquired, what they said of the Parliament? because it is so natural to curse with one Hand, when we bless with the other, that it might be rationally expected; it is true, the Country being justly disobliged at the ill Usage of these Gentlemen, did not spare their Reflections, but I chuse to pass it over, because it is not Parliaments in general, but the Conspirators and Jacobite Party in a Parliament, that are at present the Nation's Burthen, and from whom she groans to be redeemed.

The Conclusion.

HAD this Nation listened to the Calls of their own Reason, and to the Voice of Things, all this Confusion of Councils had been prevented; had the People of *England* chosen Men of Honesty, and of peaceable Principles, Men of Candor, disengaged from Interest and Design, that had nothing before

before them but the Benefit of their Country, the Safety of Religion, and the Interest of *Europe*, all this had been avoided; they would never have imprisoned five honest Gentlemen, for coming to them with the Sense of their Country in a peaceable Petition; they would never have had the Occasion to repent of their refusing to hearken to the Voice of the People: But it is too late to look back, the Nation has had the Misfortune to chuse them, and our Peace, and Liberty, and the Protestant Interest in *Europe* is too much in their Hands.

All the Advice I can pretend to give my Fellow-Slaves and Countrymen is, that they would not be backward to let the Gentlemen know, that the Nation is sensible they are not doing their Duty; and withal, that to impose upon the Rights and Liberties of the *English* Nation, has always been fatal to the Persons of those who have attempted it, and their Examples stand as Buoys and Marks to warn Posterity of the hidden Dangers which others have fallen into.

It has been fatal to Favourites, to Judges, to Lords, and to Kings, and will certainly be so even to Parliaments, if they descend to abuse the People they represent.

The imprisoning these five Gentlemen had neither Reason, Law, Pretence, nor Policy in it.

It had no Reason in it, because they had offended against no Law, either of Reason, or the Nature of the Thing.

It had no Law in it, because they had no legal Power to commit any but their own Members.

And I am of the Opinion, they are convinced there was no Policy in it, for there is seldom much Policy in doing that publicly, which we know we shall be ashamed of.

The not proceeding against them afterward, shewed they were either ashamed or afraid; had they been in the Right, there could be no Reason to fear; and if in the Wrong, they had all the Reason in the World to be ashamed.

To commit five Gentlemen to Custody, for petitioning them to do what they really knew they ought to have done, it was the most preposterous Thing in Nature: To punish for humbly petitioning! it is Nonsense in itself. God himself permits the meanest and most despicable of his Creatures to remind him, as we may say, of their Wants, and petition for his Aid: The most contemptible Beggar is permitted to be importunate for Relief, and though the Law is against him, we are not affronted at it. But to resent the Representation of their Country, and imprison Gentlemen who, at the Request of the Freeholders of a County, came, under the express Protection of an Act of Parliament, to deliver a Petition! it was the most ridiculous inconsistent Action that ever Parliament of *England* was guilty of; and, with Submission, I think the best Action the same House can do, at their next Meeting, is to vote that it should be razed out of their Journals, and never be made a Precedent for the Time to come; upon which Condition, and no other, the Nation ought to forgive it them.

The Act of 13 *Carol. II.* to assert the Right of the Subjects Petitioning, is a sufficient Authority for any one to quote, and those that pretend to call this

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an illegal Act, must first trample down the Authority of that Act of Parliament.

Let this Act justify me, in saying, that to imprison *Englishmen* for petitioning, is illegal, and a Dishonour to *English* Parliaments, *Legion* Article the 3d.

But say the lame Excusers of this excentric Motion of the House, this was a factious Thing contrived by a few private insignificant People of no Value, and the Matter of it is saucy and impertinent.

First, had it been a Petition of the meanest and most inconsiderable Person in *England*, and that single by himself, provided he were a Freeholder of *England*, he had a legal Right to speak his Mind, for that same Reason from whence the Commons in Parliament claim a Freedom of Speech, gives every Commoner a Freedom to speak to the House, since every Freeholder has an equal Concern in their Debates, and equal Power in deputing them to sit there. But because this Right unlimited might be tumultuous and uneasy, therefore the Method how we shall do it, is circumscribed for Decency's Sake, that it shall be done by Petition, and that Petition shall be presented so and so, and by such a Number, and no more: but that it should not be lawful to petition, no Tribunal, no Court, no Collective or Representative Body of Men in the World ever refused it; nay, the Inquisition of *Spain* does not forbid it, the Divan of the *Turks* allows it, and I believe if *Satan* himself kept his Court in public, he would not prohibit it.

But besides this, the Fact is not true: As for it being contrived by a few People, let the impartial Relation here given, answer that ridiculous Untruth, unless you will account the County of *Kent* a few, for certainly eleven Parts of twelve of the whole County, and now of the whole Kingdom approve of it.

Nor has the Reproach upon the Persons presenting it, more of Truth, unless Gentlemen of ancient and illustrious Families, whose Ancestors have been known for several Ages to be Men of Honour and Estates, allied to several of the Nobility, and now known and valued by the whole Country, both for their considerable Fortunes, as well as personal Merit, unless I say such Men are to be accounted private and inconsiderable, the Charge cannot be true: To such I shall only say, that the Ancestors of these Gentlemen were Members of ancient Parliaments, and of such Parliaments as would have been ashamed of committing such an Absurdity, as to imprison the Freeholders of *England* for a peaceable Petition.

As to the Matter of the Petition, and which some People say was a Banter, the turning their loyal Addresses into Bills of Supply. The Gentlemen ought to have had Liberty to explain themselves, which if they had done, I am of the Opinion that it would have been to this Purpose, that they thought it was proper 'the House should speedily supply the King so with Money, as that he might be 'enabled to defend our Protestant Neighbours from the Encroachments of *France*;' and not to lose their time in addressing the King in Matters of less Moment.

I shall conclude with this short Animadversion by Way of Remark, and let all Men judge of the Justness of the Observation.

* That

‘That as this was the first Time that ever the *English* Nation petitioned to be taxed, so this was the first Parliament that ever addressed the King to take care of himself, and defend himself against his People.’

Addenda.

SOME Book-learn'd Fools pretend to find a Flaw,
In our late Senate Votes for Want of Law,
And insolently say the Men of *Kent*
Were rudely handled by the Parliament.
Knowledge of Things would teach them every Hour,
That Law is but an Heathen Word for Power.
Might, Right, Force, Justice, Equity,
Are Terms synonymous, and must agree;
For who shall e'er the Argument confute,
Where Power prevails, and no Man dare dispute.
Nature has left this Tincture in the Blood,
That all Men wou'd be Tyrants if they cou'd,
Not Kings alone, not Ecclesiastic Pride,
But Parliaments, and all Mankind beside.
All Men, like *Phaeton*, would command the Reins,
'Tis only Want of Power that restrains.
Then why should we think strange the Parliament
The People's late Petitions shou'd resent:
'Tis fatal to tyrannic Power, when they
Who shou'd be ruin'd, grumble to obey:
And Tyrants never can complete their Reign,
So long as injur'd Subjects dare complain;
If they do not their first Address withstand,
What now they supplicate, they'll soon command,
By first suppressing early Discontent,
They aim'd the Consequences to prevent,
For well they knew that shou'd the Nation try,
To ask once more, they durst not twice deny.
England has this one Fate peculiar to her,
Never to want a Party to undo her,
The Court, the King, the Church, the Parliament,
Alternately pursue the same Intent,
Under the specious Term of Liberty,
The passive injur'd People to betray:
And it has always been the People's Fate,
To see their own Mistakes when 'twas too late,
Senseless of Danger, sleepy and secure,
Till their Distempers grew too strong to cure;
Till they're embrac'd by the approaching Grave,
And none but *Jove* and Miracles can save.

In vain bold Heroes venture to redeem
 A People willinger to sink than swim :
 If there's a *Brutus* in the Nation found,
 That dares Patrician Usurpation wound,
 He's sure to find an ignominious Grave,
 And perish by the People he would save.
 Such are by Virtue signaliz'd in vain,
 We'll own the Merit, but abuse the Men.
Marius sav'd *Rome*, and was by *Rome* despis'd ;
 And many a *Russel* we have sacrific'd.
 Then who for *English* Freedom would appear,
 Where Lives of Patriots are never dear,
 And Streams of generous Blood flow unregarded there.
 Posterity will be asham'd to own,
 The Actions we their Ancestors have done,
 When they for ancient Precedents enquire,
 And to the Journals of this Age retire,
 To see one Tyrant banish'd from his Home,
 To set five hundred Traitors in his Room.
 They'll blush to find the Head beneath the Tail,
 And representing, Treachery prevail :
 They'll be amaz'd to see there was but Five,
 Whose Courage could their Liberty survive,
 While we that durst illegal Power dethrone,
 Should basely be enslav'd by Tyrants of our own.

A Vindication of the Rights of the Commons of *England*.

By *Robert Harley, Esq;* 1701.

Quod omnes tangit, ab omnibus tractari debet.

Amicus Plato, Amicus Socrates, sed magis Amica Veritas, & Patria.

To the King, Lords, and Commons, in this present Parliament.

To the KING.

Great Sir,

YOUR Majesty's loyal Subjects have Reason to be highly sensible of the Glory and Happiness this Nation enjoys in two very extraordinary Particulars, that is, the Excellency of their King, and the Excellency of their Government.

The first hath been fully demonstrated, by your Majesty's great and glorious Actions, to all the World ; the latter seems rather to be understood by its happy

Effects than its happy Institution; and therefore a plain and brief Explanation thereof, is humbly set forth under your Majesty's gracious Patronage, in Hopes that the universal Love, which the People of *England* have gratefully entertained for your Majesty's royal Person, may also be extended to the established Government.

It may be observed, that in most former Reigns there have been two Sorts of Men within the Kingdom, who have been commonly known and distinguished by the Name of the Court and the Country Party; but when their Professions have been compared with their Actions, the real Difference betwixt them hath ever appeared to be no more than this, that one Party were very zealous for the King and themselves, and the other for their King and their Country.

But since, by the Experience of all Ages, it is apparent, the first Proposition in this little Treatise is certainly true, that in all monarchical Governments, it is absolutely necessary, for the common Good, to preserve a right Understanding between the King and the People, and that no King was ever great and glorious in *England*, but he that, like your Majesty, became the Prince of his People; nor no People ever happy but they, who, like your Majesty's Subjects, performed a chearful Obedience to their Prince, I humbly conceive, that I cannot attempt to do a better Thing for *England*, than to endeavour to continue and establish to all Posterity the like happy Union in this Kingdom; and I do not know any better way to accomplish that great End, than by demonstrating to all Sorts of Capacities, That the Happiness and Prosperity of both Prince and People, doth entirely depend upon preserving the happy Constitution of the established Government.

Most gracious Sovereign,

As the Subject of this Treatise, so the Author also doth, with all Humility, depend upon your Majesty's royal Protection, that his sincere Endeavours, for the public Good, may not suffer for any involuntary Mistake on one Side, or for Want of Charity, or Love of kingly Government, on the other; and that he may have the Honour to profess himself amongst the Number of those who are entirely devoted to the true Interest of their King and their Country, is the highest Ambition of,

May it please your Majesty,

Your Majesty's most obedient,

Most humble,

And most dutiful

Subject and Servant,

Humphrey Mackworth.

To the Right Honourable the Lords Spiritual and Temporal, in this present Parliament.

My Lords,

THE Excellency of the Government of *England*, by King, Lords, and Commons, is a Subject worthy of the greatest Consideration; and though, as a Member of the House of Commons, I have entituled this little Treatise, *A Vindication of the Rights of the Commons of England*, yet I humbly hope I have not been wanting, upon all Occasions, to assert and maintain the just Rights and Judicature of your Lordships, or else I must confess I have ignorantly varied from my Intentions, and failed in that great Rule that I have laid down as necessary for the common Safety; which is, to preserve the just Ballance of the Constitution.

My good Intentions therefore, for the general Good, will, I hope, plead my Pardon with your Lordships, for any Error or Mistake in Judgment, since I have not wilfully transgressed the Bounds of Law or Reason, nor asserted any Proposition but what I sincerely apprehend to be as necessary for the Support of the Rights of your Lordships, as of that honourable House where I am entrusted to sit as a Member, and where I hope I shall always discharge my Duty with great Respect to your Lordships, as well as with Loyalty to my King, and Fidelity to my Country.

And under this Character, together with an humble Assurance of my Readiness to change my Opinion, and acknowledge any Error, whenever I shall hear good Reasons for it, as aiming at nothing but the public Good, and a happy Union in this Kingdom, I humbly crave Leave (with all due Regard and Deference to your Lordships) to subscribe,

My Lords,

Your Lordships most obedient,
and most humble Servant,

Humphrey Mackworth.

To the Honourable Robert Harley, Esq; Speaker, and all the Honourable the Knights, Citizens, and Burgessees, in this present Parliament.

Honoured Sirs,

THIS little Treatise, *in Vindication of the Rights of the Commons of England*, comes naturally to crave your Favour and Protection, as the constant and generous Patriots of your Country, and the Representatives of those very People, whose Rights are here (in all humble manner) asserted and maintained.

And the Writer thereof doth entirely depend on your usual Candour, and favourable Construction of his Proceedings, not doubting but his good Intentions,

tions, to serve the Public, will make an Apology for his Want of Performance.

And yet there is nothing affects him more, upon this Occasion, than a just Apprehension and Concern for his Country, lest this noble Subject should any ways suffer under his Management; especially since he labours (at present) under Want of Time, as well as Capacity, to treat of it in such a Manner as becomes the Weight and Dignity thereof.

But since something of this Nature seems necessary to be done at present, in order to create a right Understanding of these weighty Matters, and to preserve that happy Union in *England* that is absolutely necessary for the common Good of the King and Kingdom, he humbly hopes that this poor Acknowledgment of his Duty may be favourably accepted, till a better be performed.

And in the mean Time, as he must confess that he hath a great Veneration for every Part of the Constitution of the Government of *England*, so (amongst the rest) for that honourable Assembly the House of Commons, which has been established by the Wisdom of our Ancestors, as the great Bulwark of the Rights and Liberties of the People of *England*; to the Preservation of whose Rights, he can never doubt but every true *Englishman* will give his helping Hand, and endeavour to promote a right Understanding thereof, with the like disinterested Zeal as is here attempted by,

Gentlemen,

Your most obedient

humble Servant,

Humphrey Mackworth.

P R E F A C E.

WHEN a Misunderstanding unfortunately happens between any two Persons or Bodies of Men, who aim at the same common End, the Public Good; and whose Interest it is to be united, and agree together, as the only Means to obtain that End, or even to preserve themselves; it is plain, that it can be only a Mistake, or Misapprehension, on one Side or other, and that he that by any means can convince either, will certainly oblige and please both.

My Hopes therefore are, that what is here humbly offered to Consideration, may, in some measure, contribute to such a mutual Satisfaction.

For as there is nothing can ruin *England* but unhappy Divisions, so there is nothing in the present Circumstances can save it but a happy Union.

Divide & Impera, To govern by Parties and Factions, may be a Maxim for arbitrary Governments, but not in a regulated Monarchy; in *England* the direct contrary hath ever been observed, that when all Parties, especially all the Branches of the legislative Authority, have been united and inseparable, the Nation hath ever been found insuperable, and not to be subdued.

It is certain, that no Person can act more for the Interest of the French King, in this Conjunction of Affairs, than by creating Animosities and Differences in *England*:

And

And no Person can act more against the French Interest, than by creating a happy Agreement.

Since then we all seem to contend, who shall appear to be most loyal to the King, and most zealous against France, I hope we shall all demonstrate our Sincerity by our Actions, by doing those Things that are most likely to please his Majesty, and to humble France; and that is, in his Majesty's gracious Expressions, By being firmly united amongst ourselves, since nothing can contribute more to our Safety at home, or to our being considerable abroad.

Let us therefore lay aside all private Interests, where the Public is concerned: Let us not so much consider who are the chief Ministers of State, whether new or old, as whether they do faithfully discharge their Trusts, and execute the Duty of their respective Places, for the general Good of the King and People.

A Counsellor of State, or Officer of Justice, is not to be revered and esteemed, because he is true to the Interest of this or that Party, but because he is just and honest to all Parties, and true to the Interest of the King and Kingdom.

But this I may be bold to say, and it appears by the constant Experience of all Ages, that he who is false and ungrateful to his Creator, can never be sincere, either to his King or to his Country.

He that hath not Understanding to discern an almighty Power, by all the wonderful Works of the Creation; or he that hath, and yet lives in open Defiance to the same, and in a wilful Habit of Sin and Debauchery; he that denies Dependence on a Divine Providence, and he that owns it with infinite Obligations, and yet discovers by his Actions, that he forgets them all, are equally unworthy to be trusted with the Honour of the King, or the Safety of the People.

Many Men (says a famous Author) have good Sentiments in the Moment you oblige them, but the Constitution of their Nature sways them soon after, and they easily forget what they owe others, because they only love themselves: And as Fire converts all Things into its own Substance, they only consider public Interests to convert them to their own Advantage, and equally despise those who do them Good, and the State in which they receive it.

This is most certain, that the same Qualifications which render Men worthy of Favours, are the same which make them capable and desirous to acknowledge them: And on the contrary, the same ill Qualities which make Men unworthy of Favours, are the same which make them ungrateful both to their King and their Country.

And the Qualifications of any Minister will always be suspected, who shall at any Time endeavour to lay his own Faults on the sacred Person of his Prince, and to shelter himself from Justice by a fatal Division in his Country.

But let the Faults of Ministers be what they will, they cannot be greater to an earthly Power, than the Crimes of all other Men are in the Sight of Heaven; and therefore it must be the Duty of every Man to forgive others, as he would be forgiven himself: That is, upon the same Condition of Repentance and Amendment.

But if a great Minister shall at any time offend, and persist in his Error; if he shall break in upon the Constitution of the Government, and at the same time justify it to be lawful, and so endeavour to establish a Precedent which tends to the Ruin and Destruction of his native Country to all Posterity, How can any Man pretend to say, that during such Impenitency, he is entitled to Forgiveness either from God or Man?

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The End then of publishing these occasional Thoughts on the Rights of the Commons, is, First, To demonstrate the Nature of the Constitution of the Government of England, by King, Lords and Commons, and thereby to encourage all true Englishmen, of what Degrees and Capacities soever, to put a just Value upon it, and to be as tender of its Preservation as of the Apple of their Eyes, as the Nature and Excellency thereof doth require, and as that upon which depends the Honour and Safety of the King, and the Preservation of the Rights and Liberties of all the People of England.

In the next place, it is designed (with due Respect and Deference to the great Officers and Ministers of State, who shall at any time be concerned in the Administration of public Affairs) as an humble and kind Admonition to them, not to offend against this happy Constitution; or if they do (as the best of Men may err) that they study rather to excuse, than justify their Mistakes, and find out any other Way to save themselves, and palliate their Errors (which may happen from the Surprise of extraordinary Honours and Preferments) than by procuring an Impunity at the Price, and with the Ruin of their native Country.

And in the third Place, it is proposed with all Humility and Deference to better Judgments, to demonstrate the Nature of the Powers and Proceedings of Lords and Commons upon Impeachments, and how they do mutually support and depend upon each other for their common Safety, and thereby to promote a right Understanding thereof, and continue a happy Union between both Houses.

And in order to this it has been considered, That the great End of Speaking and Writing, is to make other Men understand what is spoke or writ, and thereby to convince them of that Truth which is to be demonstrated.

Many Things are plain when they are plainly expressed, which till then do often remain as Mysteries.

When therefore the Intent of a Writer is to do Good to others, and not to gain Preferment or Applause to himself, he will rather study how to Convince than Please; and how to make that Truth, which seems evident to himself, appear so to others, than to entertain his Reader with useless and amusing Oratory.

But he must, at the same time, confess, That he thinks himself very fortunate in this Particular, that he is at present to treat of such a Constitution of Government, which needs no other Advantage to set it off, than a bare Relation of its own Worth and Excellency; and consequently, is more agreeable to the mean Capacity of the Writer.

If any thing therefore, in these Papers, shall in the least contribute to a right Understanding of the Subject-Matter, and consequently to a good Agreement between all Parties, the Intent thereof is fully answered.

And if the Writer is unfortunately mistaken in any Particular (as a Person of his weak Understanding very well may) he shall be obliged for the Discovery of his Error, to any Person that shall treat him as a Gentleman, and as soon as he has an Opportunity to consider thereof, he will as fairly acknowledge the same, or give his Reasons to the contrary.

But since his End is serious and sincere for the public Good, he cannot shew a Respect to any other Answer, than that which aims at the same Advantage to the Public as is hereby intended; which is, To convince all Parties of the real Truth, and thereby to promote a happy Union in this Nation.

The Writer indeed, cannot but be sensible, that if there shall happen at any time hereafter to be a Set of evil Ministers in this Kingdom, they will be apt to be very much
offended

offended at this well-intended Treatise ; and for that Reason it might have been esteemed a politic Part to have concealed his Name ; but this he did not think for the Honour of the House of which he is a Member, lest their Enemies should asperse it as a spurious Pamphlet, and as if the Writer had not a good Cause to defend, or wanted Courage to own it ; and therefore this is his true and real Satisfaction, That he shall either in some Measure contribute to the Preservation of the happy Constitution of the Government, and thereby promote his own and his Country's Welfare together, and prevent the Unhappiness of an evil Ministry to this Nation ; or else have the Honour to suffer in such a glorious Cause, in Defence of the Rights of the Commons of England.

But if this Treatise fall into the Hands of Persons zealous and affectionate for the true Interest of their native Country, it may perhaps be of some Use to promote a right Understanding between all Parties, and to continue a happy Union between the King, Lords and Commons, which is absolutely necessary for the Happiness and Safety of England, and for the attaining those great Ends which all good Men do heartily wish and desire : And that is, To secure our Trade ; and promote our Manufactures ; to pay our Debts, and assist our Allies ; to employ our Poor, and preserve our Religion : And, in short, To put a timely Stop to the exorbitant Power of France, and to advance the general Good of the King and Kingdom.

A Vindication of the RIGHTS of the COMMONS of ENGLAND.

CHAP. I.

Of the Nature and Excellency of the Government of England, by King, Lords and Commons.

THE happy Constitution of this Government (which is the Glory and Happiness of *England*, and the Wonder or Envy of all the World) is founded on these following Maxims and prudent Considerations :

That in all Monarchical Governments it is absolutely necessary, for the common Good, to preserve a right Understanding between the King and the People.

That therefore it is necessary, in all such Governments, that whatever Mismanagements happen, no Blame or Wrong be imputed to the King.

That as it is necessary to take Care that no Blame be imputed to the King ; so it is necessary to take as much Care as possible, that no Wrong be done to the People.

That therefore when any Wrong is done, the People may have a legal Remedy for Redress thereof.

That the King and the People are like the Head and the Body, and do mutually depend on each other.

That as the People depend on the Protection, Justice and Conduct of the Prince, so the Prince depends on the Subjection, Strength and Treasure of the People.

That

That therefore it is the Interest of all Kings and Princes, to govern in such a Manner as is consistent with Reason, and with the Rights and Liberties of the People.

That in order thereunto, and to prevent Mistakes, it is very requisite and convenient, that (as far as may be) the Prerogatives of the King, and the Rights of the People, be declared and ascertained.

That therefore a regulated or limited Monarchy, according to such Declarations or Laws, founded upon Reason and Justice, is the most happy, secure, and best sort of Government, both for the King and the People.

That in all such Monarchies it is absolutely necessary, for the common Safety, that the Prerogatives of the King, and the Rights of the People, be secured to each other by a prudent Distribution of Power, in the original Frame and Constitution of the Government.

That therefore the absolute, supreme, and legislative Authority (which is necessary to support all Governments against Contingencies) be lodged (not in one) but in three distinct Persons or Bodies, united by Interest in the same common End, the public Good.

That these three Branches of the supreme Authority, have also several particular Powers lodged in them, as mutual Securities, for the common Safety, to assist each against the Encroachments of the other, which may not be legally defeated or made impracticable.

That the said absolute, supreme, and legislative Authority in *England*, be lodged in the King, the Lords and the Commons: With the King as supreme, and common Father of his Country: With the Lords, as Persons of great Honour, Quality and Estates, and consequently highly concerned for the public Safety. With the Commons, as they are the Representatives of the People; and with all three together, as united by Interest in the same common End, the public Good.

That the King, Lords and Commons, have also several particular Powers and Authorities lodged in them, as mutual Securities for the common Safety: That is to say, That the King have the Power of making War and Peace, of commanding the Militia and Forces of the Kingdom, of calling and dissolving Parliaments, of appointing all Officers Ecclesiastical, Civil and Military; and, in short, all other Powers and Prerogatives that a wise and good Prince can desire, to make him happy and beloved at Home, as well as potent and respected Abroad.

That the Commons, as Representatives of the People, have (amongst other Things) the Power of Levying Money, and of impeaching and prosecuting evil Ministers, as a necessary Security to preserve the Rights and Liberties of the People.

And that the Lords be entrusted with a Right of Judicature, and as another Branch of the legislative Authority, to preserve a Ballance of Power between the King and the People.

That as the King, Lords and Commons, united together, have an absolute supreme Power, to do whatever they shall think necessary or convenient for the public Good, of which they are the only Judges, there being no legal Power on Earth to controul them; so the several and particular Powers lodged in them

them as Branches of the supreme Authority, as mutual Securities for the common Safety, and as Checks one upon another, must in their Nature be supreme and absolute against all but one another.

That the Lords and Commons therefore have Power over the Courts of *Westminster-Hall*, but the Courts of *Westminster-Hall* have no Power over the House of Lords or Commons.

The Lords have a Power upon a Writ of Error, to reverse the Judgments of the Courts of *Westminster-Hall*; and the Commons have a standing Committee for Courts of Justice, to inspect into the Abuses in those Courts, either by Corruption in the Judges, or Extortion in the Officers; but the Judges of those inferior Courts have no Power to judge of the Legality of the Proceedings in the High Court of Parliament; for that would be to invert the Order of Justice, and subvert the Constitution established for the common Safety.

The King, Lords and Commons therefore, as supreme, have superior Powers, and the Liberty of exercising them (according to the Nature and Constitution thereof) as they in their respective Wisdoms and Discretions shall think most conducing to the public Good, without rendering any Account for the same; that is, the King, by Advice of his Council (*viz.* the Privy Council in Matters of State, and the Judges in Matters of Law) and according to the noble Constitution of the Monarchy hereafter set forth; may exercise the high and great Prerogatives of making War and Peace, calling and dissolving Parliaments, &c. and no Mismanagement is to be imputed to the King, but to his Ministers.

The House of Lords being a great Council within themselves, are entrusted with the Exercise of the Power of Judicature on Impeachments, upon Honour; they are not bound up by an Oath, nor restrained by a Jury; but they supply the Place of Judge and Jury, and determine according to Right and Justice, and according to their Lordships great Judgments and Discretions, from which there lies no Appeal.

And the House of Commons, being a numerous Body, the Representatives of the People, and another great Council within themselves, have the Power of impeaching and prosecuting evil Ministers, and other great Offenders, as they in their Discretions shall judge requisite for the public Safety; and are not accountable for the same to any superior Power.

And it is absolutely necessary for the Safety of *England*, that such large Powers should be lodged somewhere, to preserve the King and People from the secret Designs of contriving and ambitious Men, who will be endeavouring in every Age to overturn the happy Constitution of the Government, and to accomplish their wicked Ends by such dark and hidden Measures, which though manifest and apparent by their evil Consequences and Effects, yet may not immediately admit of a plain and positive Evidence.

Since therefore these supreme Powers are necessary for the common Safety, and no Person can assign any other Bodies of Men in *England*, that are more fit to be entrusted with these Powers than the King, Lords and Commons; every rational Man ought to submit to the established Government, and not presume to argue against it, upon any Supposition of Mismanagement in the King, Partiality in the Lords, or Delay in the Commons; since it is the highest and best

Security for the Rights and Liberties of the People of *England*, that the Nature of the Government will admit.

And when there is Occasion to debate concerning these supreme Powers of King, Lords or Commons, we must not argue like Lawyers in *Westminster-Hall*, from the narrow Foundation of private Causes of *meum* and *tuum*; but like Statesmen and Senators, from the large and noble Foundation of Government, and of the general Good of the King and People.

But although these supreme Powers are above the Jurisdiction of all inferior Courts, and may be exercised according to the Discretion of the respective Parties; yet they must of Necessity be limited and bounded by one another in such a Manner, that one may not be allowed to encroach on the other; and that it may not be in the Power of any one to defeat the Right or Power that is lodged in any other, or render the same impracticable; but that all three may subsist together for the common Good, and each of them be able to attain the End for which they were established: For if otherwise, the whole Design of the Constitution will be disappointed, and these three Powers will not be Checks one upon another, nor be mutual Securities to preserve the common Safety, as was intended.

This is the plain Rule, by which we are upon all Occasions to measure and set out the Bounds and Limits of the legal Authority of the King, Lords, and Commons. This is the infallible Touchstone, by which we are to try the Legality of all Claims and Demands of Power by every Branch of the legislative Authority: This is the *ne plus ultra*, the utmost Boundary to their respective Authorities.

Hence it is that the Commons have always insisted, that the King's great and high Prerogative of pardoning Offenders is yet so limited and restrained, that it cannot extend to pardon Impeachments; because the King cannot defeat that Power in the Commons, which is appointed as a Check upon the Prerogative itself, and is the great Bulwark of the Rights and Liberties of the People, against an evil Ministry and arbitrary Power. For if the King can command an unlawful Thing, to the Prejudice of the People, and afterwards pardon the evil Minister that puts that Command in Execution, there can be no manner of Security for the Rights of the People.

Hence it came to be determined in the Case of the five Popish Lords, 'That the Office of High Steward, upon Trials of Peers, is not necessary to the House of Peers, but that the Lords may proceed in such Trials, if a High Steward be not appointed according to their humble Desire:' Because, if such an Office were necessary, then the King (by not appointing a High Steward) might defeat the Judicature of the Lords, and render the Exercise of that Power impracticable, which is appointed as another Check upon the Prerogative, and to prevent any Encroachment on the Rights of the People.

And hence it is, that neither the Lords nor Commons can have such a legal Power, which is able to defeat the Power of each other; and which would only be a Power to destroy the Ballance of the Constitution, and ruin themselves.

And

And thus it appears, that the several and respective Powers vested in the King, Lords, and Commons, are mutual Checks and mutual Boundaries to one another, but are not to be limited by any Authority besides their own.

These supreme Powers therefore are as great as the Nature of such Powers will admit, and as the King, Lords, or Commons can reasonably desire; and the greater they are, the greater are the People of *England*, for whose Security they were established: But then they must agree together in the Exercise of their Powers, and not interfere or clash with one another, for thereby they will both destroy themselves, and the End for which they were established.

Every Body natural (that has a rational Soul) hath an Understanding, a Will, and a Memory, for the safe and prudent Government of that Body; and the greater and more extensive those Faculties are, the greater is the Happiness and Safety of that Body natural: So, in the great Body politic of the Kingdom, the King, Lords, and Commons, do compose the Soul of that Body politic, and are entrusted with the safe and prudent Government thereof; and the greater those Powers are, the greater is the Happiness and Safety of that Kingdom.

But as in the Body natural, if the Understanding pretends to judge before the Memory has truly stated the Case, or the Will to make a Choice, before the Understanding is consulted, the End for which these Faculties were appointed will be defeated: — So the King, Lords, and Commons, must agree together, and assist each other in the Exercise of their several and respective Powers, without the least Encroachment upon one another, or else they will not answer the End for which they were established.

The King therefore may exercise his Prerogative to the highest Extent of Power that the Nature thereof will admit, and that does not invade or defeat the just Rights of the Lords or Commons.

And the Lords may exercise their Right of Judicature to the highest Extent of Power that the Nature thereof will admit, and which does not invade or defeat the Prerogative of the King, or the Rights of the Commons; and the Commons may exercise the Power of impeaching, and prosecuting evil Ministers, vested in them, for the Security of the People, to the highest Extent of Power that the Nature of the Thing will admit, and that does not invade or defeat the King's Prerogative, or the just Right of Judicature in the Lords: But none of them can extend their Power to defeat, or make impracticable, the Power of any of the other, without destroying the Balance of the Constitution; and, in the Consequence thereof, destroying themselves.

The three several Powers vested in the King, Lords, and Commons, are like the three perfect Concords in Music, which being exactly tuned to one another, upon proper Instruments, make admirable Harmony; but if you stretch any one String, beyond its proper Pitch, you put all out of Tune, and destroy the whole Concert.

But as a Discord in Music may sometimes be brought in, to make the Ear more sensible of the Sweetness of the following Concord; so a Discord in Politics may possibly give Occasion to many Persons to take more Notice of, and be better pleased with the Harmony and Excellency of the established Government.

And herein consists the Excellency of the Government of *England*, that it is not only the best Sort of Government in the World, both for the King and the People, when the happy Constitution thereof is preserved, but it is admirably well contrived, and every thing provided that was possible for its Preservation : For,

Our wise Ancestors have so prudently disposed and distributed the supreme Powers in the original Frame and Constitution of the Government, that it is manifestly the Interest of King, Lords and Commons, inviolably to preserve to each other the several and respective Rights and Powers belonging to them, and not to encroach upon one another. For,

In case any Encroachment be made on the Prerogative of the Crown, it will only lessen that Power that is to protect the People, and consequently lessen the Safety and Security of the People, that are to be protected by that Power.

And in case any Encroachment be made on the Rights and Liberties of the People, or of their Representatives, it will only lessen that Strength that is to support the King, and consequently lessen the Power and Interest of the King, that is to be supported by the Strength and Treasure of the People.

And so in case any Encroachment be made on the legal Jurisdiction of the House of Lords, it will only lessen that Power, that is the very Band of Union between the King and the People; and consequently, lessen the Security of both King and People, that is to be preserved by that Mediation.

And there has not only been Care taken to make it the Interest of all Parties concerned to preserve the established Government, but the Nature of the Establishment is such, that it does in a manner preserve itself : For the supreme Power is not lodged in one, least he should be arbitrary ; not in two, least they should fall out, and there be none to interpose betwixt them ; but,

Such is the happy Constitution of this Government, that it consisting of three distinct Branches of the supreme Authority, who are mutual Securities, and checks one upon another, for the common Safety, if a Misunderstanding happen between any two, there is still one left, whose Interest it is to reconcile the Difference : And if any one endeavour to advance their Power beyond its just Bounds and Limits, there are always two against that one to preserve the Balance of the Constitution.

But the Excellency of the Government of *England*, is not only proved by Reason, but by long Experience ; this Nation having, for many Ages, flourished under the same Constitution of Government, by King, Lords and Commons, and from Generation to Generation preserved their Liberties, whilst many of our Neighbours have lost their ancient Form of Government, and their Liberties together.

CHAP. II.

Of the Establishment of public Officers and Ministers of State, and how the Rights of the King and the People are thereby secured.

IN order to preserve a right Understanding between the King and the People, and that no Mismanagement in the Government be imputed to the King, nor yet any Wrong done to the People, without a Remedy, it is necessary that all public Acts of Government be performed by public Officers; for if done by the King, and any Mismanagement happens, either the People must lose their Rights, or the Blame be imputed to the King: Neither of which ought to be admitted.

That therefore these public Officers be answerable for all public Acts done by them, both to the King and to the People; and in Order thereto —

That all Grants, Patents, and public Acts of Government be enrolled, and made Matter of Record.

That these public Officers, or the chief of them, as the Lord Chancellor, and the Lord Treasurer of *England*, the Judges, &c. do take an Oath of Office, and therein (amongst other Things) do swear, well and truly to serve the King and his People in the Office of Chancellor or Treasurer, &c. respectively.

That such a prudent Establishment be made of all these public Officers, that one may be a Check upon another, for the common Safety: And that no Person presume to undertake any two Offices that are Checks one upon another, whereby the King and People lose one of the great Securities for the Safety of the Nation, and the Officer is left at Liberty without Controul, to act contrary to his Duty, and the Interest of the Public.

That the King have the Power of appointing public Officers at his Will and Pleasure for the Security of his Prerogative. The Representatives of the People have a Power of impeaching them for any Mismanagement and Breach of Trust, for the Security of the Rights and Liberties of the Commons of *England*: And the Lords have the Power of judging whether their Actions are justifiable or not, for the common Security of all Parties.

The exercising all public Acts of Government, by public Officers, is no Restraint upon the just Prerogative of the King: First, because the King has the Choice of them, from time to time, at his Will and Pleasure. Secondly, because those Ministers are bound to obey the King in all lawful Things. And the Law presumes, That no King (who is the Father of his Country) will command that which is unlawful; or if he do, that when he is made sensible of it, he will recal his Order.

The Law therefore wisely provides for the Safety of the People, without invading the Prerogative of the Crown, and has made it not only the Duty, but the Interest of every Minister (for his own Safety) to inform his Majesty of the Legality of all Proceedings: 1. By Words, by an humble Declaration of the Sense of the Law: And if that will not prevail, then to convince his Majesty of his Sincerity, by his Actions; and that is by a Resignation of his Office.

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All good Princes will be convinced by this rational, honourable, and self-denying Argument, and will rather commend the Fidelity of his Minister, than be offended with him. But if it should happen hereafter, in a future Reign, that the Prince will not be advised, but shall accept the Resignation of his Officer, that Minister will have the Satisfaction of suffering in a good Cause, for the Safety of his Country, and gain very great Honour to himself and Family: And the People of *England* will still have the same Security for their Rights and Liberties as they had before.

For if the succeeding Minister betrays his Trust, he must expect to answer for it in the House of Peers, on the Impeachment of the Commons: And if he also, in humble Manner, desires to be excused from executing the same unlawful Command, to the Ruin or Prejudice of the People, the King (who cannot exercise any public Act of Government but by his Ministers) will at last observe the Necessity of yielding to the Law of the Land.

These are the wise and prudent Methods, our Forefathers have devised and established, to preserve the Rights and Liberties of the People, without any force or violence on the royal Person of the King.

These are the dutiful Ways of keeping Princes, within the Bounds of Law; not by Rebellion and Resistance against the Person of the King, but by faithful Council, and Self-denial in the Subject. And it is the miserable Neglect of Ministers, in the faithful Discharge of this Part of their Duty, that frequently leads Princes into those Errors which sometimes prove fatal to them.

Could we but persuade the Ministers in all Reigns, thus to discharge their Oaths of Office, and duty both to their King and their Country, this Nation would not so often fall into Convulsions of Government, that frequently endanger the whole Constitution.

The exercising therefore all Acts of Government by public Ministers, is so far from being a Prejudice, that it is a great Advantage and Security both to the King and to the People: To the King, because no Mismanagement can be imputed to him, but to his Ministers: To the People, because they may have Redress for their Grievances, without any Misunderstanding with their Prince.

By this Means the King may always reign in the Hearts of his Subjects, and the Subjects always preserve their Rights without Offence to the King.

The King has the Power of preferring honest Men, which is all a good King desires in the Nomination of public Offices. And the Lords and Commons have the Power of punishing dishonest Men; which is both for the Honour and Safety of the King and the People.

King *Charles* the First, in his Answer to the nineteen Propositions, doth set forth, that the King, the House of Lords, and the House of Commons, have each particular Priviledges: And (after enumerating the several Prerogatives of the Crown) his Majesty declares, that the Prince may not make use of that high and perpetual Power, to the Hurt of those for whose Good he hath it; and make use of the Name of the public Necessity, for the Gain of his private Favourites and Followers, to the detriment of his People. And then adds, that the House of Commons (an excellent Conserver of Liberty, &c.) is solely entrusted with the Power of levying Money, and of impeaching those Ministers, who, for their own End, (tho' countenanced by any surreptitiously-gotten Command of the King) have violated the Law, which he is bound, when he knows

knows it, to protect; and to the Protection of which, the Ministers were bound to advise him, or, at least, not to serve him in the contrary. And the Lords being entrusted with a judicatory Power, are an excellent Skreen and Back between the Prince and the People; to assist each against Encroachments of the others, and by such Judgments, to perform that Law which ought to be the Rule of every one of the three.

Whoever therefore affirms, that the King's Command doth justify the Minister in doing an unlawful Act, maintains a Proposition that destroys the original Frame and Constitution of the Government; and consequently, the Happiness and Safety both of the King and of the People.

He destroys the Happiness and Safety of the King, by imputing the Blame of doing an unlawful Act to the Prince, and excusing the Minister. He destroys the Happiness and Safety of the People, by depriving them of the only proper Means for Redress of Grievances:—For the People of *England* have no Relief, in case of Mismanagement, but either against the King or his Ministers. But to seek Relief against the King, is a Remedy worse than the Disease:—Is against the Nature and Constitution of our Government, and would be an Occasion of creating a Misunderstanding between the King and his People which is a principal Thing to be avoided: And therefore the People must either have their Remedy against the Ministers, or none at all: And to be without any Relief or Redress of Grievances, would quickly end in the Ruin of the People, and Destruction of their Rights and Liberties.

If the People of *England* have no Relief, in case their Rights are invaded, then they have no Security for those Rights: And if they have no Security, if they are precarious on the Will and Pleasure of others, it is the same thing in effect, as if they had no Rights and Liberties at all; for a Right, without a Remedy, is not properly a Right, but a Favour or Courtesy, to be enjoyed during Pleasure.

In all regulated Monarchies, the King is to act according to the Laws of the Land; but the Laws of the Land being numerous and difficult to be understood, it cannot be presumed that a King can spare time to study the Laws, and attain to the perfect Knowledge of them: Therefore our wise and prudent Ancestors have provided, that the King shall be guarded by his Councillors and great Officers, who are to understand the Laws at their Peril, and to be answerable both to the King, and to the People, for all public Acts that pass through their Hands.

These great Officers of State are placed like Centinels at several Distances, to be mutual Checks one upon another, and to keep constant Watch, for the common Safety of the King and People. Observe, therefore, the Progress which the Law has directed in passing of ordinary Grants and Patents: 1. A Petition is made to the King; then this Petition is referred to the Lords of the Treasury, by an Order of Reference, signed by a Secretary of State; and if the Lords of the Treasury make a Report in Favour of the said Grant, then the King signs a Warrant to the Attorney, or Solicitor-General, empowering one of them to prepare a Bill containing such a Grant. After Mr. Attorney or Solicitor has passed the same; then it goes to the privy Signet, the Custody whereof is in the Secretary of State, who being a Minister in high Office, is presumed by the Laws to be watchful for the King's Good, and the Welfare of the Public.

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The Warrant being thus signed by the Secretary, is carried to the Lord Privy-Seal, who is another great Officer, well versed in Matters of State, and in the Knowledge of all the King's Affairs, and this great Officer, by the Oath of his Office, is obliged to take Care that his Majesty is not deceived in his Grant : And in case a private Subject is concerned in the Consequence thereof, he may enter a Caveat at the Office, and be heard before the Lord Privy-Seal, before the Grant passes that Seal : But in case the same doth pass there,

Then the Grant is carried to the Lord Chancellor, or Lord Keeper of the Great Seal of *England*, who is always a Person of great Ability and Knowledge of the Law ; and who, by his Oath, is bound to the Observance thereof, and to advise the King to the best of his Skill and Knowledge, for the universal Good of the King and his People, and is not to suffer any Grant or Patent, prejudicial to the King or People, to pass the Great Seal of *England* : And any Subject concerned, hath also a Right to enter a Caveat at the Great Seal, and to be solemnly heard before the Lord Keeper.

And as soon as any Patent is passed the Great Seal, before it goes out of the Care of the Lord Keeper, it ought to be enrolled in Chancery, and made a Matter of Record, in Justification of the said Lord Keeper ; to defend the Patents from any Alteration or Forgery, and for the common Security of the King and all his Subjects.

Thus you see the great Care that is taken for the common Safety ; if an Enemy surprize the first Centinel, or public Officer, and is able to obtain his Pass there, yet, when he comes to the second, there he is bid to stand again : And if by any Art or Corruption he passes through that, and all the Rest of the Offices, yet when he comes to the Lord Chancellor, or Lord Keeper, there he meets with another full Stop, and the strictest Examination ; and as soon as a Grant is passed the Great Seal, it is enrolled, and made a Matter of Record.

So that if any of these great Officers are honest Men, all is safe, the Design is discovered, and the Enemy defeated : And when the Law requires so much Care in every the least Grant, how can it be imagined that the Law requires less Care in Grants or Patents, relating to the whole Kingdom ?

But to what End is all this Formality, and great Number of Officers appointed ? If the King's Warrant must positively be obeyed, whether the Matter therein contained be lawful or not ? Any one Officer can execute a Command of this Kind as well as twenty ; what can then be the Reason of it, but that in the Multitude of Councillors there is Safety ? For a Number of Officers are less liable than one, either to Corruption, or to a Mistake in Judgment ; but if all these Officers are to take the Warrants or Orders, one from another, as a sufficient Authority, if that were all that was expected from them, there had been no need of such a Constitution, or such an unnecessary Charge to the Government : Our Ancestors therefore, have not only obliged all these Officers to Fidelity, by Oaths of Office, but wisely considering, that it was not possible to know what Advice a Minister of State might give in private to his Prince, have prudently provided, that they shall prove their Integrity by their Actions ; that is, by doing nothing but what is lawful, or else by a Resignation of their Office.

They were sure every Officer would give good Advice, when he was to do it at his Peril ; he would argue, and plead hard to convince his Prince of the Unlawfulness

Unlawfulness of an Action, and use all his Interest to dissuade him from it, when his Majesty's persisting did present such Officer with no other Prospect than an Impeachment of the Commons, or a Necessity of Resigning his Office.

'Tis well known, that Princes are frequently surprized in these Cases ; and by Misrepresentations in the great hurry of public Affairs, many Warrants have surreptitiously been obtained, and others have been granted meerly to satisfy the Importunity of Courtiers, when the Prince himself did not expect that any of those Warrants should pass through the Hands of the great Officers : But if Kings grant Warrants depending on the Fidelity of their Ministers, and the Ministers execute Warrants depending on the Authority of the Prince, it's plain that neither the King, nor the People, will have any Security by this Constitution.

A Warrant from the King, is indeed a Command to his Officers, but it is upon an imply'd Condition in Law (well known,) in case the Matter commanded be lawful, and no ways prejudicial to the King or the People. And such a Warrant is necessary in all Cases, as the first Step, the *Primum Mobile*, or the Spring that sets all the Wheels of Government a going. But then the legal Artist must at his Peril take care, that the Spring of Power be neither too strong to break the Wheels of Government, nor too weak to support itself : But that it be so regulated, according to the known Laws of the Land, as to answer the Ends of Government for which it was established, and preserve the common Safety of the King and the People.

This is a Doctrine which perhaps will not be very agreeable to such Ministers of State, who shall at any time hereafter think themselves Safe, if they can by any Means whatsoever obtain the King's Warrant, (which a set of corrupt Ministers may always be able to do for one another ;) but it is the only Doctrine that hath, or can make the King and People happy, and save *England* from Ruin and Destruction.

'Tis true, that of later Times, several Errors have crept into the happy Constitution of this Government, and the King's Warrants have, in some Cases, been carried immediately from the Privy Signet to the Great Seal, without ever passing the Scrutiny of the Lord Privy Seal ; but this is an Error that manifestly lessens the Security of the King and People, and is to be rectified.

However, this does not excuse the Lord Chancellor, or Lord Keeper, for the time being, from doing their Duty ; but, on the contrary ; the less Care was taken of a Warrant before, the more ought to be taken when it comes to the Great Seal.

And thus the Difference may appear between the King's Letter and the King's Warrant. The King's Warrant, in some Cases, passes through the Hands of the Lords of the Treasury, the Attorney-General, and one of the principal Secretaries of State ; and, in all Cases through the Hands of one or more of them, who are public Officers and Centinels, appointed to watch for the public Safety ; and on whose Judgment and Advice, both the King and People do very much depend. But the King's Letter is a private Transaction, and is not attended with these Advantages to the Public : Therefore, when any Patent is passed upon the King's Letter, without a Warrant, that Patent is

passed contrary to Law, and the King and and People are thereby deprived of those Securities that the Law has appointed for the common Safety.

And hereby it plainly appears, that the setting the Great Seal of *England* to any Patent with a Blank, cannot be justified; for every Patent ought to be complete and perfect, and enrolled in Chancery, both for the Security of the King and the People, before it goes out of the Care of the Lord Keeper. And when the Prince is acquainted with the Law, in this Case, he will always come to a Resolution in every Particular, before his Orders are carried to the Keeper of the Great Seal.

How can it be consistent with the Oath of a Lord Chancellor, that he will well and truly serve the King, and his People, in the Office of Chancellor, when he does a thing that he cannot know himself what may be the Issue of it? Whether the Words that shall be inserted in that Blank, may be for the Good of the King and Kingdom, or for their Destruction?

How can it be consistent with the great and high Trust reposed in a Lord Chancellor, who has the Custody of the Great Seal of *England*, to leave an Affair of the greatest Consequence to the Nation, to Accidents and Uncertainties? When a Patent is out of his Sight and Reach, he can neither know what will be inserted in any Blank, nor by whom; nor into whose Hands the Patent may fall, nor what other Alterations may be made therein, especially if it should so happen that the Patent is to go into a foreign Country, and run the Hazard both of Robbers at Land, and Pirates at Sea: And when there is no Record in Chancery to be a Check upon this Patent, and to detect any Alteration or Forgery in the same.

But whenever there shall be several Blanks left in a Patent, and one Blank of an entire Sheet, large enough to insert therein unlimited Powers, and convey away *England* or *Ireland* to the *French* King, how can such an Action be justified, with Safety to *England*, and the Constitution of the Government?

And from hence also it may appear, how inconsistent it is with the Safety of the King and Kingdom, and the Trust reposed in these great Officers, that they should take any Grants of the King's Revenue to their own private Use: For shall that great Officer, who is appointed to take Care that the King be not deceived in his Grant, be the Taker of the Grant himself? What is this but to appoint Officers as Centinels to watch for themselves, and not for the King? To give them an Opportunity to deceive, and not to keep the King from being deceived? It can never be consistent with Reason, or the wise Constitution of the *English* Government, to trust any Man in his own Case; either that Person ought to be no Officer, or that Officer ought to take no Grant: For if this be once established as a Precedent, and declared to be lawful, 'tis plain, that all the Care that is taken to preserve a regular Course in the Exchequer for the Security of the Crown is evaded and defeated; which is absurd, and a Contradiction to the very Design and Intent of the original Constitution.

'Tis true, that such things have often been done without Punishment; but it is as true, that such Offences have been punished: And that whenever such an Officer was called in question, that Offence was always made an Article of Impeachment. There has indeed been frequent Robbing on *Shooters-Hill*.

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but will that Usage justify the Legality thereof, at any Trial at Law? No, the oftner it has been done, the more need of Redress.

But whenever a great Officer of State, upon whose Care and Fidelity the King and the People do chiefly depend, shall take Grants of the King's Revenue in time of War, when the Nation is oppressed with heavy Taxes, and large Debts, and when the Grants shall be taken in other Person's Names, the better to cover a Fraud, or elude the Force of a Law; and when considerable Rewards shall be given to inferior Officers, to make proper Discoveries for that Purpose; or when such a great Officer shall pretend to make a Purchase from the Crown, and never pay in his Money, but perhaps by a fictitious Talley, or some other Artifice, shall avoid the Payment, any such Deceit, in so great an Officer, contrary to his Oath and the Duty of his Office, will always be esteemed (as in Reason it ought to be) a very great Aggravation of the Offence.

But as these great Officers cannot legally take to themselves any private Grants from the Crown, so much less any Grants of a more public Nature, where the Justice of the Nation is concerned, and where the Interest of those great Officers may probably interfere with the Rights of the Subject.

The Judges of *Westminster-Hall* cannot take a Grant of any Man's Estate before Conviction, because it would then be their Interest to convict him, whether guilty or not, which would bring a great Hardship upon the Subject, and occasion many false Accusations; and the most innocent Subject would be forced, in that Case, to compound at any rate for the Hazard of his Life.

The same Reason holds good in all other Cases, where the Takers of the Grants, or the Profits thereof, may in any Probability become Judges and Parties, in the same Case. As if any Grants should hereafter happen to be made of Goods and Merchandizes taken on Board of Pirates, before Conviction, to several great Officers of Justice, and Ministers of State, or to any other in trust for them; the honest Merchants, from whom these Goods were first taken by the Pirates, making their Claim within a Year and a Day, and proving their Title to the same, have a Right to have their Goods restored to them; but what a Condition will the poor Merchants be in, in that Case? If they go to *New England* to sue for Justice, there the Governour may be Judge and Party against them: If to the Admiralty in *England*, there may be another Judge and Party presiding at that Board: If to the High Court of Chancery, a Judge and a Party may be there also, concerned in Interest against them. If they apply to the Council, there may be a great many Parties interested against them. So that the Property of the Subject may (in effect) be defeated by such Grants; for since the Remedy is made so difficult and in a manner impracticable, who would not rather lose his Goods, than attempt to recover them at a vast Expence against such potent Adversaries? Who would be so unwise as to throw away his Money and Time, upon so desperate a Remedy?

So that it seems very Rational to conclude, that such sort of Grants, to public Officers of Justice, and powerful Ministers of State, cannot be justified; or else, that there is a manifest Defect in the Constitution of the Government, which ought not to be allowed: For it is a fundamental Maxim of our Government, that no Man shall be Judge in his own Case, but that the Duty and Interest of every Officer be one and the same, and go Hand in Hand together,

ther, for the common Safety of the King and the People, and not interfere with one another; and therefore that public Officer that takes a Grant to himself, or to any other in trust for him, whereby he doth, or may, become both Judge and Party, or which makes it his Interest to act contrary to his Duty, is manifestly guilty of a Breach of the high Trust reposed in him; for such a Proceeding tends to the Obstruction of Justice, to the Dishonour of the King, and to the Violation of the Property of the Subject.

And here we may observe the Excellency and wise Contrivance of the Constitution of this Government; for how is it probable any Prince should understand whether such Grants as these are legal or not? The Pretence of destroying Pirates that infest the Sea, disturb the Trade, and invade the Properties of *English* Merchants, is plausible and fair, and what the best of Princes are desirous, and think themselves obliged to accomplish, for the Good of their Subjects: But then the public Officers ought, at the same time, to acquaint his Majesty, that the doing of this, is a royal Prerogative inseparably annexed to the Crown, and not fit to be entrusted with any private Subjects, for their own particular Advantage, much less with such public Officers of Justice, and Ministers of State, as are before described.

The King is the Father of his People, and it is not his Interest to do wrong to them; and in case any Dispute arises, indifferent Judges are appointed to decide the Controversy; but when Grants shall be made of Goods before Convictions and the Judges shall be entitled to the Benefit of their own Judgments and Decrees, the Subject must needs be in a very miserable Condition.

And therefore it is wisely provided, by our Constitution, that the King shall be guarded by his Officers and Ministers, who are bound to understand the Business they undertake; to give his Majesty a just and true Information of the Law upon all Occasions, and at their Peril to avoid the passing any illegal Grant; and that no Blame or Wrong be imputed to the King, but to his Ministers.

C H A P. III.

Of the Security to the Public, from the Establishment and Use of the King's Councils.

AS the Law has a great Regard to a private Grant of the Crown, so more especially to those public Acts of Government, to those great and weighty Grants and Patents that relate to the common Welfare and Happiness of the King and Kingdom.

And therefore in all public Acts of State, as making War and Peace, calling and dissolving Parliaments, &c. by the original Constitution of this Government, the King is to be advised by his Privy-Council, which is called, *Concilium Regis Privatum & Concilium Regis Secretum*. These Privy-Councillors are *Partes Corporis Regis*, they are incorporated into the Monarchy, and are bound by the ancient Oath of a Privy-Councillor (amongst other things,) to keep secret the King's Council, and to advise the King in all things to the best of their Skill

Skill and Knowledge for the universal Good of the King and his Land, and for the Peace, Rest and Tranquility of the same.

This Institution can be no Restraint to the just Power and Prerogative of the King, because the King has the Choice of his Councillors ; and if he does not approve of the Advice of one Council he may choose another.

And, as has been said before, the King being *Pater Patriæ*, can't be supposed to desire any thing but the publick Good : And no Man can imagine, that any wise or good King would attempt any Undertaking relating to the Public which he could not get twelve Men in *England* to think safe or reasonable.

This Institution therefore, as well as the Appointment of the great Officers of State, is for the Security of the King and the People : Of the King because no Blame can be imputed to him, but to his Council : Of the People, because the Privy-Councillors being upon Oath, and being answerable to the Parliament, have Reason to take Care to give such Advice as shall be advantageous for the publick Good, or at least consistent with the general Interest of the King and Kingdom.

'Tis true, a bad Prince may get a bad Council, and may do bad Things, but then the Parliament have Relief against the Council, and preserve their Prince.

And therefore, both good and bad Princes have Reason to approve of this Institution ; for if they are good, they will be glad of good Council ; if they are bad, they'll rather choose that their Councillors should suffer than themselves. And it will be very difficult to find out more than one Instance, in all the *English* History, where any King ever suffered in *England*, but where the Prince was either so imprudent as to take all the Faults on himself, and excuse his Ministers ; or, at least, to protect them from the usual Methods of Justice, by refusing to refer them to a free Parliament.

Observe therefore the Steps that are taken for the common Safety : *First*, There are great Officers of State, to observe and watch that nothing passes to the Prejudice of the King or the People. *Secondly*, If a Matter be too high for their Determination, then it is considered by the King and his Council, where the Matter is not only determined by a greater Number, but also upon a solemn Debate and hearing of the Arguments of all Parties : Which may be compared to a Consultation of able Lawyers or Physicians, conducing very much to the Safety of the Publick ; but if the Matter be of such Weight and Difficulty that the Council don't think fit to determine the same, or cannot come to a safe Resolution, then they humbly advise the King to refer that Affair to his great Council assembled in Parliament ; and by this Means all are safe without Prejudice to any one.

And here it may be observed that an Error has formerly crept into this Part of our Constitution ; and that is, by determining Matters of the highest Importance without advising with any of the established Councils. The Original of which, in the late Reign, seems to be derived from the Precedent of *France*, where it was first invented as an Introduction to an arbitrary Government ; and 'tis to be doubted, that they were no true Friends to the Constitution of this Government, who first brought that evil Custom into *England*.

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'Tis true, former Princes did sometimes advise with particular Persons, before they offered a Matter to the Council to be debated and determined; but it is an Innovation by evil Ministers, that War and Peace, and Matters of the highest Consequence, should be finally concluded in a secret Cabal, and only pass through the Privy-Council for Form's Sake, as a Conduit-Pipe to convey those Resolutions with Authority to the People.

All Proclamations for declaring War, &c. are constantly set forth in the Name of the King, with Advice of his Council (which shews that it ought to be so) when perhaps the War was resolved in a private Cabal, and only declared in a Privy-Council, and published with that Authority to the People; which is an Abuse of the Constitution.

It is therefore a noble Resolution in his Majesty to restore to *England* the Practice of their ancient Constitution, to repair the Breaches and Innovations brought in upon them in the late Reigns, and not only to declare, but debate and transact all Matters of State in the Privy-Council.

Such a Proceeding tends very much to the Honour and Safety of the King, and the Satisfaction of all the People of *England*.

But upon what has been said of the Nature and Authority of the Privy-Council, it may appear, that as to the setting the Great Seal of *England* to foreign Alliance, the Lord-Chancellor, or Lord-Keeper for the Time being, has a plain Rule to follow, that is, humbly to inform the King, that he cannot legally set the Great Seal of *England* to a Matter of that Consequence, unless the same be first debated and resolved in Council; which Method being observed, the Chancellor is safe and the Council answerable.

And if a Matter of that Moment shall be hereafter referred to one of the Lords Justices, and such as he shall think fit to advise with, in the King's Absence, it would be an astonishing thing to hear, that a Person of that high Trust and Station, and of great Learning and Knowledge in the Law, and in the Constitution of the Government, should neither advise with the Privy-Council, nor so much as communicate the same at any solemn and usual Meeting of the Lords Justices, that shall then equally be entrusted with the regal Power, and Safety of all *England*.

It is true, that an Alliance made by the King, and sealed with the Great Seal of *England*, may be good and valid in Law, and so accepted by all foreign Princes, whether the Treaty was concluded and the Great Seal affixed to it by the Advice of the Privy Council, or not: But this does not lessen, but rather aggravate the Crime of the Officer; for the greater the Consequence, the greater ought to be the Care not to transgress the Law.

The Happiness and Prosperity of *England* hath hitherto been preserved by the Constitution of our Government, by the several Securities and Checks that are appointed for the common Safety, and not by any private Trust or Management: and therefore, however an Offence against this Constitution may by some Circumstances be mitigated; yet it can never be justified.

But as the King has always a Privy-Council, so he hath upon extraordinary Occasions a Great Council, the Parliament of *England*, who are summoned together to assist and advise the King, in Matters of the greatest Difficulty, concerning the State and Welfare of the King and Kingdom.

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Whenever therefore a Matter of the highest Consequence to *England*, as any Alliance with *France*, hath, and must always be esteemed, shall be privately carried on by particular Ministers, and the Great Seal of *England* put to it, during the Sitting of the Parliament, and without Advice of the same, or even of the Privy-Council, that must ever be esteemed a high Breach of the Constitution.

It is a Maxim in Law, *Ignorantia Juris non excusat*, but if Ignorance of the Law will not excuse an Offence, certainly the Knowledge of the Law is no small Aggravation: and therefore that Minister that first expresses a deep Sense of the dangerous Consequences to the Nation, by any Treaty, and yet at the same against his own Judgment, and without the Advice of any established Council affixes the Great Seal to the Ratification of it, cannot plead that as a Mitigation, much less as a Justification of the Offence.

Whenever therefore any Persons learned in the Laws and Constitution of the Government, shall severely condemn the Faults of others, and afterwards do the same and worse Things themselves, they ought much more to be blamed for it.

C H A P. IV.

Of the Nature of the Powers and Proceedings of the Lords and Commons upon Impeachments.

THE exercising of all public Acts of Government by publick Officers, who are answerable for the same, is not only a great Security to the King and the Commons for the Reasons aforesaid, but also to the Lords; for what can more secure the Power, Greatness and Dignity of that Honourable House, and keep the great Ministers within the Bounds of Law? What can make them have greater Regard for the Persons and Properties of the Lords, than this very Consideration, that on all Impeachments of the Commons, the Lords are to be their Judges.

The several Powers then of the Lords and Commons do mutually depend upon and support each other; for as the Commons cannot have their Remedy against an evil Ministry, without the Judicature of the Lords, so the Power and Judicature of the Lords cannot entirely be preserved without supporting the Right of Impeachments in the Commons.

It is therefore the Interest of the Lords and Commons, to preserve to each other the several and respective Rights and Powers vested in them; for on the due Execution thereof, depends the Safety and Happiness of both Houses.

These distinct Powers therefore being lodged in the Lords and Commons, as Branches of the supreme Authority, for the common Safety, ought to be so limited and bounded by one another, that both may consist together for the common Good, and that it be not possible for either of them to defeat the Power lodged in the other.

And therefore as the King himself who is Father of his Country, and whose Justice ought not to be questioned, is not entrusted by the Constitution with a Power to defeat the Right of Judicature in the Lords, or the Right of Impeachments in the Commons, or to render the same impracticable, because these
distinct

distinct Powers are appointed in the Original Institution of the Government, as mutual Checks upon the Prerogative, and upon one another for the common Safety. So *a fortiori*, it may be argued, that the Commons are not entrusted with a Power to defeat the Right of Judicature in the Lords; nor the Lords with a Power to defeat the Right of Impeachments in the Commons.

And therefore, as the Right of Impeachment in the Commons must not be so construed, as to enable them to make the Right of Judicature in the Lords impracticable when they please; so the Right of Judicature in the Lords must not be extended so far as to enable the Lords to make the Right of Impeachments in the Commons impracticable when they think fit: But both the Powers must admit of such a Limitation and Construction in the Nature and Exercise thereof, as that they may consist together for the common Good, and be able to attain the End for which they were established.

And here I must beg leave to observe, that I do not pretend to treat of the Judicature of the Lords upon Writs of Error, or upon Indictments, nor of the Tryals of Lords out of Parliament, for Treason or Felony, by their Peers, nor of any other Authority but only of the Judicature of the Lords upon Impeachments, which is a Power lodged and entrusted with the Lords, as a Branch of the supreme Authority, to do Justice between Prince and People, on all great Offenders, publick Officers or Ministers of State, who shall be impeached in the Name of all the Commons of *England* for Offences against the State, in Violation of their Oaths, in Breach of the High Trust reposed in them, and to the Prejudice of the Rights of the People of *England*: And therefore this great Power being founded on different Reasons is different in its Nature, and also exercised in a different Manner from both the other. For,

Upon a Writ of Error, the Cause must always be originally tried by the Judges in *Westminster-Hall*, and the Matter of Fact found by an ordinary Jury, where all Proceedings are to be had, and Judgments to be given, according to the common and statute Laws of the Land, used and practised in all the ordinary Courts of Justice, for the Preservation of the Lives and Properties of particular Subjects; and therefore in this Case the Lords are to determine upon such a Writ of Error, whether the Judges have given Judgment according to the said Laws, or not.

But in Case of an Impeachment, the Cause comes originally to be tried before the Lords, according to the Law and Custom of Parliament, which is very different from the common Laws, and by which their Lordships do act in a more extraordinary Manner, both as Jury and Judges, which is a Method of Proceeding never used in any inferior Courts, by the common and statute Laws of this Realm; and as their Power is different, so is the Nature of their Proceedings.

And so in the Case of the Trial of a Lord out of Parliament for Treason or Felony, by his Peers: There the Lords are only Triers, in the Nature of a Jury of Peers, and not Judges, but the High-Steward is the Judge, and pronounces Judgment according to the known Laws of the Land.

And therefore the Office of High-Steward seems to be a necessary Office in that Case, though not in the Case of Impeachments, or Trials before the Lords in Parliament, for the Reasons aforesaid.

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For Impeachments not being at the Suit of the King, but of all the Commons of *England*, and being in the time of a Parliament, where every Branch of the Legislative Authority is exalted to a high Pitch of Greatness and Power, and where the Powers vested in them are designed as mutual Checks one upon another, for the common Safety, it does not seem agreeable to the Constitution, that the King, by any Pardon, or otherwise, may defeat the parliamentary Power of Judicature in the Lords, or Power of Impeachments in the Commons.

But a Prosecution for Treason, or Felony, out of Parliament, is at the Suit of the King; and consequently, tho' the Lords are Triers, the King is to appoint the Judge, and may pardon the Offender. By all which, the Difference may appear between the Judicature of the Lords upon Impeachments, and their Lordships Judicature and Power in other Cases.

And therefore to return to the Right of Judicature upon Impeachments, it must be acknowledged, that a Right of Judicature does necessarily imply a Power of judging and determining whether an Offender that is brought to Trial for any Offence be guilty or not guilty, for that is inseparably annexed thereunto.

And therefore the Commons cannot insist on the Right of concurring in the Sentence, and giving their Voices with the Lords, whether the Offender be guilty or not, without encroaching on the Right of Judicature in the Lords.

But the appointing a Time for bringing in the Articles of Impeachment, and of Time and Place for Trial, is not necessarily implied in the Power of Judicature, or inseparably annexed to it, but is a collateral Power, which may or may not belong solely to the Judge, as the Nature of the Case does require.

It must be confessed, that it seems very proper for every Court of Justice to order and direct such Circumstances and Matters of Form that can have no Influence to the Prejudice of Justice, in such way as they shall judge fit, and where the same are not settled otherwise by any positive Rule.

But then in the Case of the fundamental Constitution of the Government, where the whole is at Stake, and where the King, Lords and Commons do all depend upon reserving a just Ballance of Power, they are not to depend upon the Will of each other, but upon the Power; and therefore, if by any Possibility such a Power may at any Time be made use of by the Lords, to the Prejudice of Justice, it does not seem reasonable, that the same should be allowed in this Case solely to the Lords, without the Approbation of the Commons: for where the Reason varies, the collateral Powers may also vary, without any Encroachment on the Right of Judicature.

If the Lords upon all Impeachments have an absolute Power belonging to their Judicature of limiting a Time for bringing in the particular Charge before them; and also to appoint Time and Place for the Tryal of an Impeachment, and to proceed both to Tryal and Judgment without any Regard to the Commons, whether they are ready and do concur, or not: Have not the Lords then a Power to make the Right of Impeachments in the Commons impracticable, when they think fit? May not the Lords either appoint a Time so short that the Commons cannot possibly be ready, or a Time so long that Justice shall never be done? and may not the Place appointed be so distant, or so very inconvenient

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And therefore, as the Right of Impeachment in the Commons must not be so construed, as to enable them to make the Right of Judicature in the Lords impracticable when they please; so the Right of Judicature in the Lords must not be extended so far as to enable the Lords to make the Right of Impeachments in the Commons impracticable when they think fit: But both the Powers must admit of such a Limitation and Construction in the Nature and Exercise thereof, as that they may consist together for the common Good, and be able to attain the End for which they were established.

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But in Case of an Impeachment, the Cause comes originally to be tried before the Lords, according to the Law and Custom of Parliament, which is very different from the common Laws, and by which their Lordships do act in a more extraordinary Manner, both as Jury and Judges, which is a Method of Proceeding never used in any inferiour Courts, by the common and statute Laws of this Realm; and as their Power is different, so is the Nature of their Proceedings.

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It must be confessed, that it seems very proper for every Court of Justice to order and direct such Circumstances and Matters of Form that can have no Influence to the Prejudice of Justice, in such way as they shall judge fit, and where the same are not settled otherwise by any positive Rule.

But then in the Case of the fundamental Constitution of the Government, where the whole is at Stake, and where the King, Lords and Commons do all depend upon reserving a just Ballance of Power, they are not to depend upon the Will of each other, but upon the Power; and therefore, if by any Possibility such a Power may at any Time be made use of by the Lords, to the Prejudice of Justice, it does not seem reasonable, that the same should be allowed in this Case solely to the Lords, without the Approbation of the Commons: for where the Reason varies, the collateral Powers may also vary, without any Encroachment on the Right of Judicature.

If the Lords upon all Impeachments have an absolute Power belonging to their Judicature of limiting a Time for bringing in the particular Charge before them; and also to appoint Time and Place for the Tryal of an Impeachment, and to proceed both to Tryal and Judgment without any Regard to the Commons, whether they are ready and do concur, or not: Have not the Lords then a Power to make the Right of Impeachments in the Commons impracticable, when they think fit? May not the Lords either appoint a Time so short that the Commons cannot possibly be ready, or a Time so long that Justice shall never be done? and may not the Place appointed be so distant, or so very inconvenient

to the Commons, that they shall not be able to attend the Prosecution of the said Trial with Effect?

As in Case of a general Impeachment, it may be supposed to be possible, that the Lords may appoint the next Day to bring in the Articles, (which perhaps cannot be done so soon in a parliamentary Way of Proceeding) and they may appoint the following Day for the Trial to be had at *Truro* in *Cornwall*, where neither the Commons nor the Witnesses can be able to attend; or else, the Lords may appoint the Trial to be had twenty or forty Years after, by which Time all the Prosecutors and Witnesses may be in their Graves, and the Nation undone by an evil Ministry. All this is possible to be done, though not probable; but a wise Constitution of Government provides against Possibilities (as far as may be) where the common Safety is at Stake.

If therefore the Commons have no Right of Impeachment, but what the Lords may defeat, or make impracticable when they please, then it is plain the Commons have not such a Right of Impeachment, as is sufficient to answer the End proposed by the Constitution of the Government; which is, to secure the Rights and Liberties of the People of *England*, and consequently the Commons have (in effect) no Right at all.

And if the Right of Impeachments may be defeated, the Right of levying Money may, in effect, be defeated too; for what signifies the Power of giving Money for the Safety of the Nation, without the Power of impeaching evil Ministers, that act to the Ruin of the Nation, or misapply that Money to their own private or other corrupt Uses?

And herein (amongst other Things) consists the Safety of the People of *England*, that those noble Lords who in any Age might, perhaps, be disposed to save their Friends or Relations in an honourable Way, or by any collateral Method of discharging the Prosecution; yet, upon a full Hearing of the Case, will not be diverted from Justice, and especially upon a fair Trial in open Parliament, where the King is generally present, the whole Body of the House of Commons, and great Numbers of Persons of the best Rank and Quality of *England*, besides all the foreign Ministers, none of them will be persuaded to declare upon Honour, that a Person impeached is not guilty of an Offence, which is then by sufficient Evidence proved against him.

And therefore it highly concerns all the Commons of *England*, that Trials on Impeachments may not, by any Possibility, be defeated by any collateral Powers in the Lords; and it seems plain, that we must either reject the original Constitution of the Government, established by our wise Ancestors, to preserve the Ballance of Power, for the common Safety of the King, Lords and Commons, or else we must conclude, that the Lords can have no distinct Power belonging to their Judicature, which is able to surprize the Commons, and make the Trial of Impeachments impracticable.

And as in the Cases beforementioned against the King's pardoning Impeachments, and against the Necessity of having a Lord High Steward in the Trials of Peers, during the sitting of a Parliament; it was not considered, what the King in Justice would do towards the defeating the Right of Judicature in the Lords, or Right of Impeachments in the Commons but what in Right and Power he might do if he pleased: So in Case of a Right vested in the Commons, and secured

secured and established to them by a proper Distribution of Power, in the original Frame and Constitution of the Government, for the common Safety of the King and the People. It is not to be considered, what the Lords in Justice will do towards the defeating of that Right, but what in Right and Power they may do, if they think fit; for the Safety of *England* is not to depend on the Will of any one House, but on a proper Distribution of Power secured to both.

And though all the Deference imaginable ought to be given to that noble Branch of the legislative Authority, yet their Lordships will not expect in this Case to have a greater Trust reposed in their Lordships by the Constitution of the Government, than in the King himself; nor that the Commons should give up the Right of Impeachments, as a Matter precarious, upon Will and Pleasure, which is the great Bulwark of the Liberties of *England*; especially when by so doing, they would not only prejudice the People they represent, but in a good Measure defeat the Power and Jurisdiction of the Lords themselves, and destroy that Ballance of Power, which is essentially necessary for the Safety of all.

And when it is fully considered, it will appear, that it is not the Interest of either Lords or Commons, to have more Power than is necessary to preserve the Ballance of the Constitution; for though, peradventure, either of the present Houses may trust themselves with a dangerous Weapon, yet it is not prudent to entail such a Danger to their Posterity, lest it should at any time hereafter be turned upon them, and this Power misapplied, to the Ruin of the Constitution.

Those noble Lords therefore, that shall at any time endeavour to preserve the Ballance of the Constitution in this Particular, will not act in Derogation, but in Support of the Honour and Power of that honourable House; and will wisely avoid the Establishment of a Precedent that may render Impeachments impracticable, and at one time or other subject both Lords and Commons to the arbitrary Power and Tyranny of an evil Ministry.

The Way therefore to preserve the Right of Judicature in the Lords, and the Right of Impeachment in the Commons, without interfering one with the other, seems to be for both Houses to concur and agree in proceeding to the Punishment of Offenders, as well as to the passing of Laws: And having adjusted all Preliminaries in a parliamentary Way, to go Hand in Hand together in the Exercise of the several Powers, vested in them for that Purpose, in order to a fair Trial of all Offenders: that is, That the Lords do appoint Time and Place of Trial, but that the same be convenient for, and agreed to by the Commons.

This Method of Proceeding preserves inviolable the Right of Judicature in the Lords, and the Right of Impeachments in the Commons, without placing a Power in one, to defeat the Power that is vested in the other.

Whereas, if either claims the sole Power of appointing Time and Place without Regard to the other, that House seems to claim a Power that is able to defeat the Power of the other House at Will and Pleasure, which by no Means is consistent with the Constitution of the Government, or the Safety of *England*.

It is a Maxim in Law and Reason,—*Quando Lex aliquid concedit, concedere videtur & id, sine quo, res ipsa esse non potest*;—When Law, when sound Reason,

son, when the Constitution of any Government gives a Right or Power to one Branch of the legislative Authority, to be a Check upon another, it gives every thing that is necessary to support that Power, or else it gives nothing at all: And so where it gives a Power to one to be exercised singly, it gives all that is necessary to support that single Power; but when it gives two Powers (the Right of Judicature and the Right of Impeachments) to two distinct Branches of the legislative Authority, to be exercised by both, as mutual Securities and Checks upon one another for the common Safety, and it happens that one thing, *viz.* the appointing a convenient Time and Place of Trial, is necessary to support them both; it must of Necessity give that one Thing so far to both, as that it cannot be exercised singly by one without the Approbation of the other.

For whatever is necessary to support two distinct Rights or Powers, cannot be in any one alone entirely abstracted from the other; for then the one will want the Power that is in the other, and will not be supported: And if any one wants what is necessary to support it, as a Power, then it is no Power at all.

Therefore, since a convenient Time and Place for Trial of Offenders is necessary both for Lords and Commons, it seems very agreeable to Reason, that neither of them should have an absolute Power of appointing the same without the Approbation of the other; for if the Lords have that Power in them alone abstracted from the Commons, which is necessary to support the Power of Impeachment in the Commons, then the Commons have, in Effect, no real Power at all: But that Power of Impeachment which they claim as a Right, must be esteemed no more than a Favour or Courtesy, during the Will and Pleasure of the Lords, and consequently if there be any Weight in this Argument, then it seems, by this Construction, as if the Axe were laid to the Root of the Constitution, and that there were an End of the Right of Impeachments, the great Security of the Rights and Liberties of the People of *England*.

Therefore in case of Impeachments, where the Commons are the Prosecutors in the Name of all the People of *England*, it seems highly reasonable and agreeable to the Nature of the Case, that the Commons should make the first Step in all that Proceeding. First, by exhibiting Articles in due time; of which, they that are to draw them are (in Reason) the proper Judges. Then by a previous Signification to the Lords, that they are ready for Trial, and desire their Lordships to appoint a convenient Time and Place for the same; (which if inconvenient, the Commons desire a Conference, or free Conference to adjust the same) but if approved, then the Commons are to be first at the Place of Trial, ready to prosecute; and after Trial, Judgment is not to be given till the Commons think fit to demand the same: For as no Impeachment, so (in Reason) no Step upon an Impeachment is to be made, but at the Suit and Desire of the Commons of *England*.

For all Suits are prosecuted either in the Name of the King, or of the Commons of *England*, or of private Subjects; and they in whose Name any Suit is prosecuted, may, if they please, let fall the Prosecution, and in no Court whatsoever will the Judges proceed to Trial, in any private Suit, unless the Plaintiff appear in Person, or by Attorney; nor to Judgment, unless the same be demanded by the proper Party, to whom Justice is to be done.

But

But an Impeachment is not at the Suit, or in the Name of the King, but of the Knights, Citizens and Burgeſſes of Parliament, and of all the Commons of *England*; and therefore as the King cannot diſcontinue, or put a Stop to any private Suit, nor pardon, or enter a *Noli Proſequi* upon an Appeal of a private Subject, for the killing of his Relation; ſo much leſs is ſuch a Power reaſonable upon an Impeachment of the Houſe of Commons, for invading the Rights of all the Commons of *England*.

But although the King cannot, yet the private Subject himſelf may delay his own Suit, as in the Caſe of a Trial on Ejectment; and ſo may the Commons delay, or let fall, a Proſecution upon Impeachments; for they are the Plaintiffs in this Suit, they are the Appellants, they have a Power by the Conſtitution of the Government, to impeach and proſecute public Officers and Miniſters of State, for any Miſmanagement, to the Prejudice of the Public; and will any Man ſay, that the Houſe of Commons have not more Power over their own Suits, than any private Subject hath? Will any Man ſay, that the Concern of a private Subject is of more Weight than the Concern of a whole Nation? Or, can any rational Perſon affirm, that ſuch a Power in the Commons is unreaſonable? No. We may as well argue, That it is an unreaſonable Thing for the Lords to have a Right of Judicature, upon Honour, becauſe it is poſſible they may be partial in Juſtice, as for the Commons to have a Right of impeaching and proſecuting Offenders, at Diſcretion, becauſe they may delay the Proſecution.

'Tis true, That in the Caſe of a private Subject in an inferior Court, both Law and Reaſon doth admit of a Suppoſition, that a Suit may be commenced out of Malice and private Revenge, or an erroneous Judgment may be obtained; and, therefore a reaſonable Time is limited for ſuch Proſecutions, within which Time, if the Plaintiff does not proceed, his Suit may be diſmiſſed; and a Method is appointed for reverſing ſuch an erroneous Judgment, upon a Writ of Error.

But neither Law nor Reaſon, nor the Conſtitution of any Government, doth admit of ſuch a Suppoſition to be made againſt any Branch of the ſupreme legiſlative Authority; for ſince the wiſeſt Men in the World, in the original Inſtitution of Government, cannot provide for all poſſible Caſes that may happen, and on which the Happineſs or Ruin of a Nation may depend. It is abſolutely neceſſary, that all the Branches of the ſupreme Authority have a Liberty of exerciſing the extraordinary Powers veſted in them for the common Safety, in ſuch a manner, as they in their great Judgments and Diſcretions ſhall conceive to be moſt juſt and reaſonable, and moſt advantageous and conducing to the public Good, and from which there lies no Appeal.

And therefore, ſince a diſcretionary Power of impeaching and proſecuting great Miniſters of State is neceſſary to be lodged in ſome one Branch of the ſupreme Authority, no rational Perſon can juſtly argue againſt that Power in the Houſe of Commons, unleſs he can ſhew any other Body of Men in *England* in whom that Power is legally veſted, or can indeed be more ſafely lodged than in the Representatives of the People.

And as to that, there are three Branches of the ſupreme Authority, the King, the Lords and the Commons; but it is not proper to place a diſcretionary Power

in the King, of prosecuting Ministers for obeying his own unlawful Commands, because it is possible to have a bad Prince, who may aim at arbitrary Power, and rather countenance than punish his Ministers in such Cases.

Nor no Man can reasonably place a discretionary Power of prosecuting Offenders upon Impeachments in the Lords, for then the Lords will be both Judges and Prosecutors, which is absurd; and since the public Officers and great Ministers of State are frequently Members of that honourable House, it is happy for the People of *England*, and a great Honour to that noble Assembly, that Justice can be had against them there, at the Suit of all the Commons of *England*.

Since then this Power of impeaching and prosecuting evil Ministers, is necessary for the public Safety, and must be placed in some one Branch of the supreme Authority; and since no Branch thereof are accountable to any superior Power, but may exercise the Powers vested in them, as they in their great Judgments and Discretions shall think most conducive to the publick Good: And since this Power cannot be lodged with the King nor with the Lords, for the Reasons aforesaid, it follows, that the same is legally vested in the Commons; and that they may exercise it as they think most convenient for the public Safety, without Controul, or rendering any Account of their Proceedings; and consequently, that they may (amongst other Things) exhibit Articles of Impeachment when they think it convenient; that is, in due Time, of which they, who are to draw them, must be the proper Judges.

But to explain this Matter to the meanest Capacity, give me leave to suppose (for a wise Constitution of Government provides a Remedy for all Distempers and Accidents in the Body politic) that in any future Reign, a great and powerful Minister of State, having the Command of many Millions of Money raised for the necessary Occasions of the King and Kingdom, but in great part employed for the unnecessary Occasions of this powerful Minister and his Creatures, should thereby be enabled to create many Friends and Dependants in the Government, and also in the several Branches of the supreme Authority; and at length, to establish such a Scheme of Management of the public Affairs, that the Nation should not only be brought under a vast Debt, whilst the Managers got vast Estates, but should be involved in such unhappy Circumstances, and so reduced to the last Extremity, that the Representatives of the People should be entirely convinced that either that public Manager must be removed from the public Ministry, or the Nation be utterly ruined and undone.

What would you have the House of Commons do in such a Case? Would you have them sit still and see the Nation brought to Ruin and Desolation? Would you have them betray their Trust, and act contrary to their Judgments? No! The House of Commons, in such a Case, ought to do what all good Men would expect from them; and that is, to carry up a general Impeachment to the Lords, and appoint a Committee to draw up Articles upon that Impeachment; and in the mean time they would humbly address the King, for his own, and the common Safety, to remove that great Minister from his Councils and Presence.

And the Committee appointed to draw up the said Articles, would think themselves obliged, for their own Reputation, and for the Honour of the House
of

of Commons, and of all the Commons of *England* whom they represent, to take great Care in discharging the Trust reposed in them; and therefore as the Case may happen to be very short, so it may also happen to be very long, and according to the Nature thereof, and the Circumstances of the Fact, so the Drawing of the Articles may take up a very short, or a very long Time.

Sometimes there are a great Number of Articles to be exhibited, sometimes very few, sometimes many Witnesses are to be examined, at other times none at all; sometimes they are obliged to send for Persons, Papers, and Records; at other times they want no such Assistance; sometimes the Witnesses are near at Hand, sometimes at a great Distance, sometimes the Committee agree to all the Articles at first Sight, sometimes they differ in Opinion about every Article, and many Days are spent in debating one Article, and perhaps in debating one Sentence in that Article; and the like may happen upon the Report to the House, where the same are read Paragraph by Paragraph, and frequently debated and altered before they are agreed to by the House. And infinite other Circumstances may happen, to make the Proceeding more quick or more slow; and therefore, who can possibly be the proper Judges of the Time of bringing in the Charge against the Person impeached, but they who have all the Circumstances of the Case before them?

It is true, that in inferior Courts, where Causes are carried on by private Persons, and not by numerous Bodies of Men, and where the Nature of the Business does admit of it, the Law hath appointed a set Time to private Subjects, for bringing in all Declarations and Pleadings; and in case the Plaintiff or Defendant desires a longer Time he must give a good Reason for it: But this is so far from being an Argument against the Privilege of the House of Commons, that it is a strong Argument for it: for it is evident by all the Precedents in the Journals of the House of Lords (of which many are lately published) that no fixed Day was ever appointed for bringing in Articles of Impeachment, but that sometimes they were exhibited the same Day, sometimes in two Days, sometimes in five, seven, twenty-five, and twenty-nine Days, and at other times they have not been exhibited till another Session, or another Parliament, as the Nature of the Case has required; and therefore there never being any set Day fixed for bringing in the Charge, does evidently demonstrate that it was left at Liberty; and that neither the Nature of the Case, nor the Nature of the Constitution of the Government, did admit of any Limitation of Time in such Cases, but that the same was entirely left to the Discretion of the House of Commons. And what great Matter is this, that the House of Commons, who have a Power over the Rights and Liberties of all the People of *England*, as their Representatives, should also have a Power over the Liberty of a particular Subject? Where is the Danger? What is the great Inconvenience? It is plainly proved, that we must either trust it there, or no where; and if we trust it no where, we must all be ruined.

And if the Commons have usually brought in the Articles or Charge in a short Time, that is no sort of Argument against them, but rather demonstrates that they have ever made good Use of the Power lodged in them, and therefore ought not now to be divested of it.

But

But although the Commons have upon all Occasions demonstrated their Zeal for Justice, and their Tenderness for all particular Persons, as far as was consistent with the public Safety ; does it follow from thence, that when they desire it, and conceive there is Occasion for it, that they must not have as much time to prosecute an Impeachment at the Suit of all the Commons of *England*, as a little Attorney has to prosecute an Action of ten Pounds at the Suit of a private Subject ? No certainly, this can never be admitted, when it is duly weighed and considered in a proper Manner.

For if ever the Parliament should be inclined to limit a Time for bringing in the Charge, and prosecuting an Impeachment to Trial and Judgment, which must be done by a Law, as the Bill of Privileges was, and not by any one Branch of the legislative Authority ; yet it cannot be conceived, that any Member of either House would desire the time should be limited to so short a Space as the very same Sessions of Parliament ; which though ever so long, may be so taken up with other public Business, and the Prosecution delayed by accidental Circumstances, that the greatest Offender may in such a Case escape, for Want of Time to make good the Charge against him ; and so the Liberty of all the People of *England* be lost for ever, for Fear of losing the Liberty of a single Person for a short Time.

And here it may also be observed, that the trying of Impeachments hath always taken up a considerable Part of a Session of Parliament, by Reason of the Greatness of the Assembly, and the Debates that frequently happen about the Privileges of both Houses, as may be seen in all Proceedings of that Kind, in the Journals of both Houses : And therefore, in Times of Danger, and at the latter End of a Session, when foreign Affairs, and Matters of great Consequence, require Dispatch, it may not always be consistent with the Safety of the Nation, to proceed to such Trials ; and whether is of greater Consequence to the Public, the Safety of the King or Kingdom, or the Trial of an Impeachment, this Sessions or the next ?

But when a Debate shall at any Time arise between the two Houses, that concerns the Right of all Impeachments whatsoever, and consequently the common Safety of the King and People ; there the Commons ought not to proceed to Trial, till that Matter be first determined ; notwithstanding they have plain and positive Proof against the Person impeached, or that he had actually confessed many of the Articles of Impeachment, which alone were sufficient to found a Judgment against him ; for otherwise it may so happen, that the whole Justice of the Nation may be obstructed and defeated, by Proceedings of the like Nature.

This was the Resolution of the Commons in the Case of the five popish Lords, whom no Person can think they were unwilling to bring to a Trial, or that they made Use of such Pretences only to cover an affected Delay in the Prosecution.

There may perhaps be Instances given of a private Suit being heard and determined in the said Term, but then it was by Consent of all Parties ; or else no Court in *Westminster-Hall* can compel either Party to come to Trial and Judgment the first Term, by the strictest Rules of Proceeding ; and if a trifling Suit of small Value be ended in three Terms, it is reckoned a very quick Prosecution ;

secution; since few of them are determined in as many Years: And is it reasonable, that three or four Impeachments, at the Suit of all the Commons of *England* should be brought to Trial and Judgment, without Consent, the very same Session of Parliament?

And if the Lords have a legal Power to appoint a Time for bringing in the particular Charge before them, and in Default thereof to dismiss the Impeachment; may not the Lords then, if they please, make all Impeachments whatsoever useless and impracticable, and the People of *England* have no certain Remedy for Redress of Grievances.

And in case the Lords may also proceed to Trial and Judgment, without the Concurrence of the Commons, then they may proceed either to Judgment of Condemnation, or to Judgment of Acquittal, and may not either of these Proceedings, at one Time or other, prove very prejudicial both to the King and the People.

For give me leave once more to suppose, (what has or may happen) that there should be at any Time hereafter a great Conspiracy to take away the Life of the King, and to subvert the Government, and two Offenders are first detected and impeached; and afterwards it should appear by farther Evidence, and by the Confession of the impeached Persons, that divers other great Offenders more dangerous than themselves, are engaged in the same wicked Design: And that it was absolutely necessary for the common Safety, that the first Impeachment should not be prosecuted, in order to make those Persons Evidences against the rest: And suppose the said great Offenders to have many great Friends and Relations; if then the House of Lords have a Power to proceed to Trial and Judgment, without the Consent and Concurrence of the Commons, may not the Lords, if they please, condemn the Persons that were to be the Witnesses, and afterwards acquit, for Want of Evidence, all the rest of the dangerous Conspirators, whereby utter Ruin and Destruction may happen both to the King and Kingdom.

It is true it may with great Reason, and without the least Doubt be presumed, that the present House of Lords doth abhor the least Thought of such an Action; but we are not now arguing what any House of Lords will do, but what they may do hereafter, if they think fit, and from thence to draw an Argument to prove the Constitution of the Government in this Particular.

For such is the admirable Contrivance of the Constitution of the Government of *England*, to the eternal Honour of those who first established the same, and for the perpetual Happiness of the *English* Nation, that no Care has been wanting effectually to provide for the public Safety, and therefore a less Security was not established for the Safety of the People, when a greater might be had: The People of *England* are not to depend upon the Security of two Checks or Branches of the supreme Authority, when the Nature of the Thing will admit of three; nor of any one, when the Nature of the Case will admit of two.

Thus, in the passing of Laws, the Nature of the Case doth admit of three to be Checks one upon another, the King, the Lords, and the Commons, and therefore no Law can be passed but by all three Branches of the supreme Authority, who are united by Interest in the same common End, the public Good. But in punishing great Ministers of State, for doing unlawful Things at the

Command of the King, the Nature of the Case does not admit of all three, for the Reasons aforesaid: But it does admit of two, the Lords and Commons; and therefore, it seems very agreeable to the Wisdom of our Forefathers, that neither of them should be omitted, where the Security of both might be had; and that since both Houses are united by Interest in the same common End, they should also be united in the Means to attain that End; and that the Safety of the whole Nation should not depend on any one, but on the Concurrence of both Houses.

And thus it seems to be wisely established, that as the Commons cannot impeach but at the Bar of the Lords, so the Lords cannot regularly proceed to Trial or Judgment on that Impeachment, but upon the Prosecution of the Commons.

And as the Lords have a Right on one Side to appoint a Time and Place of Trial, so the Commons have a Right, on the other Side, to such an Appointment as is convenient for both Houses.

And here again, we may observe, the Policy and Excellency of this Constitution, which is so contrived, that it does in a manner compel an Agreement between the two Houses for the public Good; for if neither House can regularly proceed to Trial and Judgment, without the Concurrence of the other, they must either agree to settle all Preliminaries for the Convenience of both Houses, or else both the Powers of Lords and Commons, relating to Impeachments, will be rendered ineffectual.

So that it is not very material which House has the Power of appointing Time and Place, since they must be convenient, and approved by both. Neither is it to any Purpose, for either of them to insist on any Time and Place of Trial when both are not ready, if neither can regularly proceed to the said Trial without the Concurrence of the other.

And as there is great Convenience and Security to the Subject on one Side, by the Necessity of the Concurrence of both Houses; so there is no manner of Inconvenience by it on the other, but what is incident to all Governments in the World; for if the supreme Powers cannot agree, not only a private Subject must suffer for want of being brought to Trial, but the whole Kingdom must suffer for want of their Agreement.

And as to the Liberty of a particular Subject impeached, certainly his Life and Fortune is still more safe in the Hands of both Houses than in any one; and much more safe under the Necessity of their Concurrence, than if any one House had the Power of proceeding alone; for as it is the Interest of an innocent Person that Justice be not delayed, so it is his Interest that Justice be not precipitated.

A guilty Person may have Reason to dread the Delay of a Session, because he may perhaps dread the Discovery of more Faults; but an innocent Person being safe from the latter Fear, hath no Reason to be too much concerned at the former, especially when his Person is under no Confinement.

But be the Case as it will, the most that can be made of it for the Liberty of the Subject is only this, That by one Construction the Lords may delay the Trial of an Impeachment, and in the other the Commons; that is, by one the Liberty

Liberty of the Subject is in the Power of the Lords, by the other of the Representative of all the Commons of *England*.

But since the Lords are not entrusted with both Powers, but only with the Right of judging, and the Commons have the Right of prosecuting Offenders, it seems reasonable that the Lords may judge, and the Commons prosecute, as they in their great Judgments and Discretions shall think just and reasonable, for the publick Good ; and as no Argument against the Power of Judicature in the Lords, ought to be founded on a Supposition of Partiality in Justice, so no Argument against the discretionary Power of Impeachments in the Commons ought to be founded on the Supposition of Delay in the Prosecution.

The Lords and Commons are both Branches of the supreme legislative Authority, and have these distinct Powers lodged in them for the common Safety of the People of *England*, and being mutual Checks one upon another, and both under the happy Influence of the King, who is the Father of his People, we ought not to find Fault with our Constitution, but rather to admire the Care and Wisdom of our Ancestors, who have done all that was possible, and the Nature of the Thing would admit, for the publick Safety.

It is the Power of Impeachments has hitherto preserved the Constitution of this Government, from the many Attempts of evil Ministers ; and 'tis to that we must always owe the common Safety ; and therefore the Possibility, Supposition, or Reality of a Hardship to a private Person must not stand in Competition with the publick Safety, nor with the Rights and Liberties of all the People of *England*. 'Tis better suffer a private Mischief than a publick Inconvenience ; and therefore it is better for the Nation that a few Persons stand to the Mercy of the Commons of *England*, than that a fundamental Part of the Constitution of the Government, which is established for the Safety of all, be rendered precarious and ineffectual in their Favour.

'Tis for the Liberty of *England* that every true *Englishman* will contend ; and surely it is better, that the Commons have a discretionary Power in the Prosecution of Impeachments than any others have a Power of defeating Impeachments, and thereby of destroying the Rights and Liberties of all the People of *England*.

The King, Lords and Commons have several Rights and Powers, as necessary Checks one upon another, to preserve the common Safety, but if any one hath a Power to make the Power of the other impracticable, then they cannot be Checks one upon another, and consequently there is no common Safety.

No Sort of Government doth admit of an absolute Perfection, and therefore that Government is the best which carries with it as great a Certainty and Security for the King and People as the Nature of human Government will admit, and since in all Constitutions of Government there must be a Power lodged somewhere for the Preservation of the Rights and Liberties of the People, and that Power in this Government is chiefly lodg'd in the Commons of *England* as their Representatives, we must not, in Favour of a few, endeavour to destroy the original Constitution for the Safety of all.

The Commons of *England* are Men and may err, yet it is they have hitherto preserved the Rights and Liberties of the People ; and the discretionary Power

of Impeachments is so essentially necessary to the Preservation of those Rights and Liberties, that whenever it is taken from them, the Safety of the People is gone with it.

What had become of this Nation in former Reigns, when evil Ministers had almost ruined the King and Kingdom by secret Intrigues and private Councils, if the Commons of *England* had not had a Power to censure them even upon common Fame ;

How often had *England* been undone, if it had been necessary to make the Proofs publick before the Commons impeached evil Ministers, or made any Address to the King to remove them from his Council and Presence ?

Evil Council, like Poison, is given in secret ; and tho' all Men are convinced of the Guilt by the Consequence and Effects, yet plain and positive Proof is not immediately to be attained : And if evil Ministers are to be continued 'till such Proof can be regularly produced, upon Trial of an Impeachment, the Nation, in that time, may be ruined and undone.

For this Reason, the Power of Impeachments was not lodged in any but the Representatives of the Commons of *England* ; nor the Right of Judicature, upon such Impeachments, in any but the House of Lords, who being original Branches of the supreme legislative Authority, are presumed to be above any private Ends or Designs, and therefore are not confined to the strict Rules and Methods of Proceedings in inferiour Courts.

And here it may be observed, that no Subject of *England* ought to think himself in Danger of any Injustice from the House of Commons, who are a Branch of the legislative Authority, Representatives of all the People, Guardians of their Liberties, and Patriots of their Country, and where it is not to be imagined that a Majority of so numerous a Body of Gentlemen can be influenced against Reason and Justice ; and the Person impeached may also petition both Lords and Commons to bring on his Trial.

And it may also be observed, that whenever either House has thought fit to put the other in mind of any Matter depending before them, it has always had a due Influence, for the Dispatch of Business, in a reasonable time, and has ever been done with that great Respect to each other, as is due from one Branch of the legislative Authority to another, and as becomes the Wisdom and Conduct of both Houses, without the least Reflection on the Honour or Justice of either House, or without expecting any Answer thereto.

For this Proceeding seems to be founded on a Supposition, that in the Multitude of Business a single Matter may be neglected, but that as soon as either House is put in Mind of it, they will immediately proceed, or else that they have just Cause to the contrary ; and therefore, after they have put one another in mind, in general Terms, the Proceeding is still left to their own Discretion, without expecting any Answer, or inserting any thing in the Message, that may seem to distrust the Honour and Sincerity of either House.

But by what has been said, it may appear, that there is as much Care taken by the Constitution of our Government, for the Liberty of particular Subjects, as is consistent with the Preservation of the Liberties of *England* ; and more than that cannot reasonably be expected.

Hence also it may appear, that the Lords and Commons being Branches of the supreme legislative Authority are not in the Exercise of the great and high Power reposed in them, for the common Safety, to follow the Laws and Customs of the inferior Courts of Justice, but the Laws and Customs of Parliament; for as the Foundation and Reason of their Proceedings are different, so are their Laws.

And therefore, as it would be very improper to cite a Case out of the Journals of Parliament, as an Authority in *Westminster-Hall*, so it would be altogether as improper to cite a Precedent out of *Westminster-Hall* as an Authority in Parliament.

Lex & Consuetudo Parliamenti, The Law and Custom of Parliament is a distinct Law by itself. Thus my Lord Coke says, in his 4th Institutes, p. 15. 'As every Court of Justice hath Laws and Customs for its Directions, some by the common Law, some by the civil and cannon Law, some by peculiar Laws and Customs, &c. so the High Court of Parliament, (*suis propriis legibus & Consuetudinibus subsistit*) has its own proper Laws and Customs;' for as the Reason differs, so also doth the Law.

And therefore there is as much Reason to alledge, that a common Informer and Prosecutor ought to be treated as a Branch of the legislative Authority as to affirm that a Branch of the legislative Authority ought to be treated as a common Informer or Prosecutor.

It is insisted, that what an inferior Court can do a superior Court may do; but all the inferior Courts may appoint Time and Place of Tryal, therefore the House of Lords who are a superior Court may do so too. This is true if the Case be rightly stated; but *Qui bene distinguit bene docet*: Every Case stands upon its own Bottom, and one material Circumstance quite alters the Nature of the Case. A Judge in *Westminster-Hall* may appoint the Time of Trial to a common Informer, and also to the Attorney-General, tho' this is seldom or never done without a previous Signification to the Court that he is ready with his Evidence: But be it as it will, the Lords may do as much to the same Prosecutors, if they came before them. But it does not hence follow that they can do the same to the Representatives of the Commons of *England*, unless they can shew that the Judges can appoint Time and Place of Trial to the House of Commons, or that a common Prosecutor, or the Attorney-General, is a Branch of the legislative Authority, and has a Right of Impeachments vested in them as a Bulwark to preserve the Rights and Liberties of the Commons of *England*: Then indeed that Case would be something like the Case of the Commons; but such a Supposition being absurd, no Argument can be drawn from thence against the Rights of the Commons.

The Attorney-General does indeed prosecute in the Name of the King, and the King ought to have Justice as much as the Commons; but then it must be considered that the King sues in his own Courts in *Westminster-Hall*, and is as secure of Justice from the Judge as he is from the Attorney-General; for the Judge is not only bound to the King as his Sovereign, but in Conscience by his Oath of a Judge; and if Justice be refused, he may be removed from his Office, or a Writ of Error may be brought: But the Lords are under no such Oath or Obligation to the Commons, neither is there any Appeal from their Lordship's

Lordship's Judgment. So that if the Commons may be surprized in Time or Place, it must be fatal to them without farther Remedy, and the Right of Impeachments for the Safety of *England* will be totally defeated. Therefore no Inference can rationally be drawn from this Proceeding in *Westminster-Hall*, to govern the Case in Question.

My Lord Coke, in his 4th *Institutes*, p. 23. treating of Judicature, hath these Words: 'Now Order doth require to treat of other Matters of Judicature in the Lords House, and of Matters of Judicature in the House of Commons; and it is to be known that the Lords in their House have Power of Judicature, and the Commons in their House have Power of Judicature, but the handling thereof, according to the Worth and Weight of the Matter, would require a whole Treatise of itself.' And therefore refers to the Journals of the Lords, and the Book of the Clerk of the House of Commons, which he says is a Record, as is agreed by Mr. *Pryn* to some Purposes, and, as it is affirmed by Act of Parliament, *Anno 6 H. VIII. c. 16.* And here he cites the Case of *Thomas Long*, who gave the Mayor of *Westbury* four Pounds to be elected Burgess, and thereupon was elected: This Matter was examined and adjudged in the House of Commons, *Secundum Legem & Consuetudinem Parliamenti*, and the Mayor fined and imprisoned, and *Long* removed; for this corrupt Dealing, (says Lord Coke) was to poison the very Fountain itself. 8 *Eliz. Vid. Book of the House of Commons*, 8 *Eliz. Ounsloe* Speaker, fol. 19. 23 *Eliz. ibid.* fol. 14 *ibid. Munton* struck *William Johnson*, a Member of Parliament: The House of Commons adjudged *Munton* to the Tower, &c. See *Rot. Parl.* 8 *H. VI. nu. 57. 2 Aprilis, 1 Mariæ.* These Cases are not oppos'd by my Lord Coke's great Adversary Mr. *Pryn*.

And by these few Authorities (of which many more might be cited out of the old Books and Journals) it appears that the Commons, who have a Right of Judicature in their own House, and are a Branch of the supreme legislative Authority, are not, either in Point of Right, Reason or Decency, to be treated like a common Informer, or like an Attorney or Solicitor-General. The Nature of the Case speaks so plain, and has been so fully set forth before, that to offer much more upon that Subject seems to be altogether unnecessary.

All Men have a Right by the Law of Nature to defend themselves from Injury and Oppression, and 'till better Forms of Government were devised and appointed, Offenders against the Publick were usually condemned by the general Voice of the People.

The Power of Impeachments therefore in the Commons, seems to be an original inherent Right in the People of *England*, reserved to them in the first Institution of the Government by the Law of Nature, and Self-Preservation, for the common Security of their just Rights and Liberties.

And therefore they cannot be defeated of that Power without an Encroachment upon that Right which belongs to them by the Law of Nature and Self-Preservation, and thereby dissolving the fundamental and original Institution of the *English* Government: For an Impeachment, (as the Commons were pleased to declare upon another Occasion) is virtually the Voice of every particular Subject of this Kingdom crying out against an Oppression, by which every Member of that Body is equally wounded. And it may prove a Matter of ill Consequence,

sequence, that the Universality of the People should at any time have Occasion ministred and continued unto them, to be apprehensive of utmost Danger, from any Branch of the legislative Authority, from whom they of Right expect Assistance.

The Judicature of the Lords is indeed a wise and prudent Institution in the established Government to preserve a Ballance of Power, and to be a Skreen and Back between the King and the People; but that Power cannot reasonably be conceived to be lodged in the Lords as an inherent Right by the Law of Nature.

Whenever therefore a material Dispute shall arise between the Proprietors of an inherent Right by the Law of Nature, and of a subsequent Right by Institution, concerning a Matter that is absolutely necessary to support both, which of them ought to give place? or why is it not fair and equal for them to concur together and assist each other, for the general Good of the King and Kingdom?

This seems very plain and evident, that the Concurrence of both Houses to settle the Preliminaries before-mentioned, does not destroy the Right of Judicature in the Lords; but the contrary thereof, manifestly tends to make the Right of Impeachment in the Commons precarious and ineffectual, at Will and Pleasure.

Whoever therefore argues for the Concurrence of both Houses to settle Preliminaries, does not argue against the essential Power and Right of Judicature in the Lords, but rather to preserve the same by preserving the just Ballance of the Constitution, which is essentially necessary for the Safety of all.

But from hence it appears how unjust it is to censure any House of Commons for committing Persons that are not Members, either for an Affront to the House, Contempt of their Orders, or for Corruption and Bribery in Elections, when the same has been done, not only in all the Parliaments since this Revolution, whenever there was Cause for it, but this Power has been exercised and claimed as an undoubted Right in the Commons in all former Reigns: and indeed is as absolutely necessary to support that Part of the Constitution of the Government, as the same Power is in the Lords to support the other.

For to what Purpose have they a Power to send for Persons, Papers and Records, for the Dispatch of publick Business, if they have not Power to punish those that disobey their Orders? Or to what End have they a Power to give Money for the Service of the Nation, if they have not likewise Power to call those Persons to an Account, who defraud both the King and People, and apply the publick Treasure to their own or other corrupt Uses?

And here the same Maxim which is cited before, comes in Force again; That where a Power is granted to any Branch of the legislative Authority, every thing is granted with it that is necessary to support that Power, or else, in Effect, no Power is granted at all.

And for that Reason neither the *Habeas Corpus* Act, nor any other Statute is ever extended to destroy the Privilege of either House of Parliament, without express Words in the Act; and in this Case a Person committed cannot be continued in Custody longer than that Session of Parliament, which is a small Punishment for an open Indignity to either House, or an Offence that tends to destroy the Constitution of Parliament.

Upon

Upon the whole Matter therefore it appears, that the Way to preserve the Constitution of the *English* Government is to preserve the Right of Judicature to the Lords, and the Right of Impeachment to the Commons, from interfering or clashing one with the other ; and the best Way to do that seems to be for the Lords and Commons to agree and settle Preliminaries, and then the Lords to appoint Time and Place, and to proceed to Trial and Judgment at the Instance, and with the Concurrence of the Commons.

The Lords and Commons have continued for many Years in Peace and Union, assisting and supporting one another for the common Good, and 'tis humbly hoped that the same Methods by which that happy Union has hitherto been preserved, will still be a Means to perpetuate that Happiness to this Nation.

When any Misunderstanding therefore has at any time happened between the two Houses, the ancient and constant Method of proceeding in Parliament hath ever been to appeal to Precedents, and when Precedents were doubtful, then to the Fountain and Foundation of all Precedents, and that is, to sound Reason ; and in Order to that, both Houses have agreed to Conferences or Committees, and thereby adjusted all Difficulties.

But here we must observe a Difference between Facts and Precedents. When either House hath actually passed a Vote, or done a Thing which never came to be considered by the other House, nor ever was debated and agreed to, at any Conference, or otherwise betwixt the two Houses, that is called a Fact, but cannot be insisted on as a Precedent to bind the other House. But when a Matter comes in Question betwixt the two Houses, and is solemnly debated and considered, and afterwards agreed to by both Houses, that is esteemed a Precedent, and ought, (with great Submission) to be binding and conclusive to both Houses, and no ancient Precedents are usually cited against the latter, in which all the former Precedents are supposed to have been considered. For,

Either the ancient Precedents are plain in the point, or they are doubtful ; if they are plain, there is an End of the Debate ; if they are doubtful, then Reason is to be the Judge, and the Matter being determined by the Reason and Judgment of both Houses, the last Determination of the Case is an Explanation of all the doubtful Precedents, and they ought never to rise up in Judgment against the same.

And such is the Authority and Sovereignty of Reason in all Cases, but especially in Proceedings of Parliament, where the publick Safety is more immediately concerned, that it not only explain, but in some Cases over-rules, even the strongest Precedents, as in the Case of a High-Steward before-mentioned. It was never known upon any Impeachments and Trials of Peers, but that the King did always nominate and appoint a High-Steward ; the Precedents in the Journals of both Houses were full and express in the Point ; and yet when it came to be considered and solemnly debated and argued from the Nature of the Constitution of the Government, whether the Office of High Steward was necessary to the House of Lords in Tryals of Peers ? It was carried in the Negative, upon the very same Reason in Effect that the Argument for the Commons is now founded ; because, if such an Office were necessary, then the King might suspend or deny to name a High-Steward, and thereby a Power lodged in one of the Branches of the legislative Authority, that is, the Power of Judicature in Parliament, upon Impeachments might be defeated.

But

But if Reason upon a solemn Debate in the House of Lords, shall over-rule express Precedents, to which both Houses had consented in all former Reigns, merely because upon farther Enquiry it did appear, that thereby it was possible (though not probable) for the King to defeat the Power entrusted with another Branch of the legislative Authority, as one of the supreme Checks for the common Safety; How much more shall the same Reason over-rule any Matters of Fact in either House, that were never debated or brought to a final Determination by both Houses? If this Argument be good for the Lords against the King, why not for the Commons against the Lords?

But as to the appointing a Committee of both Houses to adjust Preliminaries, the Resolution in the Case of the five popish Lords seem to be a very express Precedent, for the Direction of both Houses; for there the Commons to avoid all Interruptions and Delays in the Proceedings against the Lords impeached, and the Inconveniences that might arise thereby, did propose at a Conference, that a Committee of both Houses might be nominated, to consider of the most proper Ways and Methods of Proceedings upon Impeachments: The Lords at first refused a free Conference, but afterwards they were pleased to order, that there shall be a free Conference with the House of Commons, upon the late Conference, concerning the Forms and Methods of Proceedings to be had at the Trial of the Lords.

And the then Lord President having given the Lords an Account of the said free Conference, with the several Debates *pro* and *con* on both Sides.

Upon Consideration thereof it was ordered, that a Committee of the Lords be appointed to meet with a Committee of the Commons, to consider of Propositions and Circumstances in reference to the Trial of the said Lords.

Now what can be a more express Precedent than this? when after several Conferences and free Conferences, the Matter was at last so solemnly agreed to and settled; in which Proceedings it cannot be denied, but that all the former doubtful Precedents (which were not very numerous) were considered on both Sides; and therefore ought never more to rise up in Judgment against a Precedent thus established. The like Commission was appointed by both Houses in the Case of the Earl of *Strafford*.

And as the Methods of adjusting Preliminaries between the two Houses, there seems to be no Difference (in Reason) between Impeachments for High Crimes and Misdemeanors, and Impeachments for High Treason; for the Lords and Commons are equally concerned in both, and it is equally necessary for them to preserve their Rights and Methods of Proceeding in one as well as in the other; and since the Commons are allowed to concur in the greater Case, why not in the lesser?

Whenever then the Commons shall desire a Committee of both Houses for settling the necessary Preliminaries on Impeachments, and amongst other things, Whether several Lords accused of the same Crimes shall sit as Judges on each others Trials for those Crimes; they seem to be justified both by the said Precedent, and by Reason: for it is a fundamental Maxim of Reason and Justice in all Governments, that no Man shall sit as Judge in his own Case, and consequently shall not sit as Judge to pass Sentence, That the very Fact of which he himself is accused, is no Crime or Offence in Law; for it is not said, That no

Man shall be Judge on his own Trial, to acquit or condemn himself, but no Man shall be judge in his own Case: But if the Case of another, be the very same as his own, and upon the same individual Fact, then his judging in the Case of the other, is judging in the Case of himself.

And here it may be observed, that whenever a Debate hath happened concerning any Preliminary of this Consequence, and which relates to the Method of Proceedings upon all Impeachments whatsoever, the Commons have always refused to proceed to Trial till the Preliminaries were adjusted, lest the same should be thereby established as a Precedent, to the Subversion of Justice, on all future Impeachments.

Since the Way then to reconcile any Misunderstanding between the two Houses, is by Conferences and free Conferences, which are essential to the Proceedings of Parliament, and the only Means to preserve a good Understanding between the two Houses; and wherein, upon a fair Debate, sound Reason is to be the Judge, it follows, that all free Conferences are to be managed and carried on by the Members of both Houses, with all the Decency and Respect that is due from one Branch of the legislative Power to another, and with that Prudence and Moderation that is requisite and necessary to promote a Union and right Understanding between the two Houses, for the common Good of the King and Kingdom.

Whenever then any Managers of the Lords or Commons do transgress that Rule, they have always been censured for it by their respective Houses, according to the Circumstances of the Case, and the Nature of the Offence.

And it is to be observed, That in all free Conferences, the Managers do usually receive Instructions from the respective Houses for whom they are to manage; and if any Manager exceed his Instructions, he is like a Soldier that goes out of his Rank, or a General that exceeds his Commission; he is to be blamed for it, though he has Success: But in Case this Transgression is also attended with indecent and disrespectful Language to either House, and instead of promoting a Union (which is the End for which they meet) tends to widen the Difference, the same hath always been adjudged an Aggravation of the Offence, and to deserve a greater Punishment.

And in this Case it is not only to be considered, whether the Words spoken are true or not, for neither House has a Power to try the other, guilty or not guilty? But whether the Words were indecent, and did reflect on the Honour and Justice of either House: for in an Action of *Scandalum Magnatum*, the Party cannot justify the Words although they were true; much less any Words of Scandal against either House of Parliament.

When a free Conference therefore is desired, in order to a Committee of both Houses, and a Committee is desired in order to a fair Trial, and a fair Trial in order to determine by the Judgment of all the House of Peers, whether the Persons impeached are innocent or not. No particular Manager of either House has an Authority to determine that Point, or censure either House for their Proceedings. It is indeed possible, that Persons impeached may be innocent, though either Lords or Commons think them guilty, and a fair Trial will bring that Matter to a fair Determination; but for a Manager of either House to exceed his Instructions, and to assert at a free Conference, that the
Lords

Lords or Commons themselves think those Persons innocent, whom the Commons have impeached, or the Lords condemned, seems to be not only a high Indignity to that Branch of the legislative Authority, that is so treated, but a great Abuse of the Trust reposed in such Manager.

But that I may state the Case fairly, give me Leave to suppose, that a Manager of the House of Commons should be so indiscreet as to affirm at a free Conference, that the Lords themselves thought that Person innocent that they had condemned; and that thereupon, the Lords should send to the Commons, to demand Reparation for that Indignity offered to the House of Peers. There is no Doubt, but the House of Commons have a Right of Judicature within their own House, and especially upon their own Members; what would then be reasonable and proper for the House of Commons to do in that Case? They might, indeed, admit the Manager to put in an Answer, in his own Defence, by either denying or excusing the Matter charged against him; but can it be imagined, that they would admit the said Manager to justify such a Charge against him, and to multiply Affronts to the House of Peers, by giving Reasons to prove, That the Lords were guilty of so ill an Action, and that they had not only condemned the Innocent, but had done it wilfully, and were conscious of their own evil Action? Can it be conceived, that they would suffer such a Justification to be put in Writing, and sent up to the House of Lords; alledging, that the Lords did think those Persons innocent whom they had condemned, because others that were in his Opinion guilty of the same Crimes, were not condemned also? To what End should such an Answer and Justification be sent to the Lords? To reply and join Issue upon it? How should that Matter be tried? How were it possible to know what were the Lords Thoughts, or the Reasons why the Lords did not think others equally guilty, or had not yet thought fit to condemn them? Shall the Commons pretend to try the House of Peers, Guilty or not Guilty? (and in this Case, no other can have a Right of judging, where their own Member is concerned, but themselves;) or can either House try the other? No, certainly, the sole Question upon this Message to the Commons would be, What were the Words that were spoken? And then, whether they were decent and proper to be said at a free Conference between the two Houses, and pertinent to the Matter in Debate, and within the Instructions of the House? And if they were, the House of Commons would endeavour to excuse their Member to the Lords; but if that would not be accepted, they would rather command a private Member to assure their Lordships, That he did not design to reflect on, or dishonour the House of Peers, but if he had unfortunately spoke any Words, that were in the least offensive, he humbly begged their Lordships Pardon, than suffer any Misunderstanding between the two Houses on that Account, to the Prejudice of the public Affairs of the King and Kingdom; and no Subject of *England* is too big, to make such a Submission to any Branch of the supreme Authority.

But if upon Consideration of the Words they appeared to be indecent, and not proper to be said at a free Conference, and that they were not within the Instructions of the House, the Commons would immediately pass such a Censure and Punishment upon that Manager, as the Nature of the Offence did require;

quire; and it is to be hoped, the Lords will always observe the same Respect to the Representatives of all the Commons of *England*.

And here it may be observed, that when several Persons are concerned in the same Fact, it does not therefore follow, that they are equally guilty; or if they were, that because one is prosecuted, and the other not, that therefore all are thought innocent. Sometimes it is thought convenient to shew Mercy in the Midst of Justice, and to prosecute a few of the Chief, and excuse the Followers and Dependants, *Ut pœna ad paucos, metus ad omnes perveniat*. Sometimes it is proper to save one in order to obtain Evidence against another, and sometimes a Circumstance alters the Nature of the Crime, as in the Case of killing a Man, that which is only Man-slaughter or Chance-medley in one, by the Addition of Malice prepense, is Murder in another. And many other Differences may happen to distinguish one Case from another; therefore,

No private Person is a proper Judge in Cases of this Nature, nor ought, upon a free Conference, to make any reflecting Inferences upon the Honour or Justice of either Lords or Commons, from his own private Apprehensions.

The Commons have a discretionary Power in all Cases of this Nature, and may think fit to begin with one Person, who appears to them to be most criminal, and may respite the Impeachment of another till they see the Event of that Proceeding. Or they may think fit to impeach one Person for a Multitude of Crimes, and not to impeach another for a single Crime; for they are the proper Persons to judge, from the various Circumstances of every Case, what is prudent and fit to be done, in Cases of Impeachments, for the common Safety of the King and the People; and no Manager at a Conference has any Authority to censure, or reflect on the Justice of their Proceedings.

And thus, upon the whole Matter, the Nature and Excellency of the Government of *England*, by King, Lords, and Commons, may appear to all, and even to the meanest Capacity. Here we may observe, the wise Provision made by our Ancestors, for the common Safety of the King and the People, that as no Blame may be imputed to the King, so no Wrong be done to the People.

Under this happy Constitution of Government, secured by a wise Distribution of Power, in the original Frame and Institution thereof, to all the three supreme Branches of the legislative Authority, as mutual Securities for the common Safety, and to assist each against the Encroachments of the other, this Nation has enjoyed Peace, Prosperity, and Happiness, for many Generations: And it will be difficult to find an Instance, in any Age, that ever any Troubles, or civil War, happened in *England*, but when some one Branch of the supreme Authority did unreasonably encroach upon the Rights of the other.

The Way then to preserve *England*, is to preserve the just Balance of the Constitution; and when any Mistake or Misapprehension happens between any of the Branches of the supreme Authority, to preserve those Methods that are essential to the Proceedings of Parliament, and the only Means to preserve a good Understanding; and that is, by humble Petitions or Addresses to the King, and by Conferences, free Conferences and Committees betwixt the two Houses.

By these Means, this Nation has hitherto prospered, and the People enjoyed their Rights and Liberties, to the Wonder or Envy of all the World; and therefore

therefore we must be careful of admitting any Innovations, or new Doctrines, spread abroad by ignorant or seditious Persons, to render this happy Constitution void, and of no Effect.

The three Branches of the supreme Authority, are all entirely concerned in Interest to promote the public Good, and have an absolute supreme Power of making such Laws, and doing such Things, as they in their great Wisdoms and Discretions shall conceive to be most advantageous and conducive to the Welfare of the Nation: And the particular Powers lodged in every one of them, as mutual Securities for the common Safety, are not to be limited by any other Authority besides their own; neither can they be accountable to any other Power on Earth, without confounding the Government, and dissolving the Constitution.

For since one Person cannot dispose of the Right of another, unless he has Authority from the other so to do; and since it was not possible to have a general Meeting of the Body of the People of *England*, to consult together for the Interest of the Nation, and to determine, by Majority of Voices, what was most prudent and safe to be done for the Good of the whole (which is always to be preferred before the Good of any particular Part) it follows that it was absolutely necessary to chuse Representatives from all Parts of the Kingdom, to whom the Interest and Grievances of every Place and County might be fairly represented and debated together at one and the same Time; and who (in Concurrence with the King and the Lords) after many serious and solemn Debates, are best able to judge, and most proper to determine, by Majority of Voices, what is most advantageous and conducive to the general Good of the King and Kingdom.

It can never therefore be admitted as legal, or so much as is consistent with the Interest and Safety of *England*, for the Freeholders of any particular Place or County, to direct the Proceedings of Parliament, since the Safety of the People entirely depends upon the Result of the mutual Debates and Consultations of their Representatives, that come from all Parts and Corners of the Kingdom; and who alone are able, by the Assistance of one another, to understand the true State and Condition of the Nation.

It is true, that such is the great Care and Tenderneſs had for the Safety of the People, that they may, in a decent and respectful Manner, petition the King, Lords or Commons, for Relief or Redress of any real Grievance; but when ill-disposed Persons abused the Goodness of their Governors, and, under Pretence of public Grievances, took upon them to direct the King or the Parliament, in Matters of the highest Importance relating to the Welfare of the whole Kingdom, whereby many Disorders and Calamities did arise to this Nation, then at last a Statute was made, in the 13th of King *Charles II.* Chap. 5. Entitled,

An Act against Tumults and Disorders, on Pretence of preparing or presenting public Petitions, or other Addresses, to his Majesty, or the Parliament.

W Hereas it hath been found by sad Experience, That tumultuous and other disorderly soliciting, and procuring of Hands by private Persons to Petitions, Complaints, Remonstrances and Declarations, and other Addresses to the King,

King, or to both, or either Houses of Parliament, for Alteration of Matters established by Law, Redress of pretended Grievances in Church and State, or other public Concernments, have been made Use of, to serve the Ends of factious and seditious Persons gotten into Power, to the Violation of the public Peace, and have been a great Means of the late unhappy Wars, Confusions and Calamities in this Nation.

This is the Recital of that Statute, by which some Persons do claim a Right to petition the King and Parliament in any Case whatsoever; but hereby it appears, what has been the Effects of disorderly Petitions in former Times; and that such Proceedings (even where lawful) ought not to be had without extraordinary Occasion for it; for what has served the Ends of factious and seditious Persons in former Times, may do so in this,

For preventing the like Mischiefs for the future, Be it enacted by the King's most excellent Majesty, by and with the Consent of the Lords and Commons assembled in Parliament, and by the Authority of the same, That no Person or Persons whatsoever, shall from and after the first of August, One thousand six hundred sixty and one, solicit, labour or procure the getting of Hands, or other Consent of any Persons above the Number of twenty or more, to any Petition, Complaint, Remonstrance, Declaration, or other Address to the King, or both, to either Houses of Parliament, for Alteration of Matters established by Law in Church or State, unless the Matter thereof have been first consented unto, and ordered by three or more Justices of the County, or by the major Part of the Grand Jury of the County or Division of the County where the same Matter shall arise, at their public Assizes, or General Quarter Sessions, or if arising in London by the Lord Mayor, Aldermen and Commons in Common Council assembled: And that no Person or Persons whatsoever shall repair to his Majesty, or both or either of the Houses of Parliament, upon Pretence of presenting, or delivering any Petition, Complaint, Remonstrance or Declaration, or other Addresses, accompanied with excessive Number of People, not at any one Time with above the Number of ten Persons, upon Pain of incurring a Penalty not exceeding the Sum of one hundred Pounds in Money, and three Months Imprisonment without Bail or Mainprize for every Offence, which Offence to be prosecuted at the Court of King's-Bench, or at the Assizes, or General Quarter Sessions, within six Months after the Offence committed, and proved by two or more credible Witnesses.

Provided always, That this Act, or any thing therein contained, shall not be construed to extend to debar or hinder any Person or Persons, not exceeding the Number of Ten aforesaid, to present any public or private Grievance or Complaint, to any Member or Members of Parliament after his Election, and during the Continuance of the Parliament, or to the King's Majesty, for any Remedy to be thereupon had; nor to extend to any Address whatsoever to his Majesty, by all or any of the Members of both or either Houses of Parliament, during the Sitting of Parliament, but that they may enjoy their Freedom of Access to his Majesty, as heretofore hath been used.

By

By this Statute it may be observed, That not only the Number of Persons is restrained, but the Occasion also for which they may petition; which is, for the Alteration of Matters established in Church or State, for Want whereof some Inconvenience doth arise to that County from which the Petition shall be brought. For it is plain, by the express Words and Meaning of that Statute, That the Grievance, or Matter of the Petition, must arise in the same County as the Petition itself. They may, indeed, petition the King for a Parliament to redress their Grievances; and they may petition that Parliament to make one Law that is advantageous, and repeal another that is prejudicial to the Trade or Interest of that County, but they have no Power by this Statute, nor by the Constitution of the *English* Government, to direct the Parliament in the general Proceedings concerning the whole Kingdom; for the Law declares, That a general Consultation of all the wise Representatives of Parliament, is more for the Safety of *England*, than the hasty Advice of a Number of Petitioners of a private County, of a Grand Jury, or of a few Justices of the Peace, who seldom have a true State of the Case represented to them.

But it is wisely provided by this Statute, That in all Cases where it is lawful and reasonable for a Number of Persons to petition for making or repealing a Law, that even in that Case, it should be done in a peaceable Manner, and by the Consent and Order of three or more Justices, or by the Majority of the Grand Jury; because they are generally Persons of some Note, and are answerable to the Government for all illegal Petitions that they consent to; and although the Form of Proceeding, by Order of three or more Justices, may in great Measure excuse the Petitioners from such illegal Acts, as not doing the same in a tumultuous Manner, yet it will not justify the Justices or Grand Jury, who ought to understand the Law (though not Matters of State) and be well advised before they consent to Petitions of that Nature and Consequence.

But admitting a Petition to be made upon a lawful Occasion, to redress a real Grievance arising in that County, and to be made pursuant to the said Statute; yet no Subject can pretend to a Right, under the Pretence of a Petition, to reflect on the Honour and Justice of the Parliament, or to condemn and expose their Proceedings.

The Subject has an undoubted Right to commence a Suit in *Westminster-Hall*, to exhibit a Bill in *Chancery*, or to petition the Lord Chancellor; but yet he has no Right to affront any of the said Courts; and if he should presume in such a Petition, to desire the Lord Chancellor to turn his plausible Speeches into just and righteous Decrees, I presume his Lordship might legally commit him to the *Fleet* for such an Indignity to the Court.

For as we must take Care to preserve the Rights of particular Subjects, so much more to preserve a due Respect to all Courts of Justice, and especially to preserve the Dignity of Parliaments, and the Rights of the Representatives of all the Commons of *England*; for whoever affronts the Representatives of the People of *England*, affronts the People themselves; and as much as in them lies, overturns the Constitution of the Government, appointed for the common Safety of both King and People.

And here it may not be improper to observe, That it seems very prudent and requisite, that all the several Branches of the supreme Authority should at all Times,

Times, and upon all Occasions, support and assist each other, and not in the least countenance any Sort of Proceeding, that in any Measure, or by any indirect Means or Insinuations whatsoever, tends to the Dishonour or Reproach of any one of them, lest that Method that is taken at one Time to dissolve a Parliament, should be taken at another, to deprive this Nation of the Happiness of the House of Peers, or even of kingly Government.

But as to the Nature of the Powers and Proceedings of the Lords and Commons upon Impeachments, The Writer, notwithstanding any thing herein alleged, doth not pretend to assert, but argue; not to determine, but to submit to better Judgment. He is (indeed) desirous either to convince, or be convinced; and therefore hath freely delivered his Opinion in such Terms, as the Nature of the Matter seemed to him to require, in hopes that if his Arguments have any Weight in them, they may influence one Side; and if none, that the Answer to them may influence the other, in order to a right Understanding, and a happy Union betwixt all.

It is no Dishonour to a just Judge to change his Opinion, and a Multitude of public Business may justly excuse all Persons from a hasty Resolution: And since it is the Interest of all to live in Peace and Union, it is the Interest of all to hear what can be fairly offered for that Purpose.

As to the three Branches of the supreme Authority, he takes it for a Maxim, that no Blame or Wrong is to be imputed to them, or any of them: But if any Mistake happen, they will be pleased to hear the Matter fairly debated, on all Sides, in order to create a right Understanding, which must be the Desire of all, since they are all united by Interest in the same common End, the public Good.

And as to any private Persons that either have, or shall hereafter offend against our happy Constitution of Government, the Writer can come up to any thing in Favour of their Persons, though not of their Errors: It is the public Good he aims at, and the Preservation of that Constitution, that is so valuable to this Nation; and which he should think himself and his Posterity unworthy to enjoy, if he should basely give up or betray the same, for any private Respects or Friendships on one Side, or for any mean or servile Fear on the other.

A Vindication of the Rights and Prerogatives of the Right Honourable the House of Lords. Wherein a late Discourse entitled *A Vindication of the Rights of the Commons of England*, is considered. 1701.

Beati Pacifici.

MAN, the Perfection of the Creation, was not only made a Citizen or Inhabitant of this World, but Lord Paramount over all Creatures that have a Being within the Circle of the terrestrial Globe; a Dignity conferred upon him by the supreme Governor of Heaven and Earth, which extends not only

only over irrational Creatures, but has constituted a Superiority and Authority to reside in some peculiar Members of the Creation, over others of the same Species; lest all aspiring to an Equality of Power and Privileges, should turn the World into a Chaos of Confusion.

Superiority and Subordination are the Ligaments of Government; which duly preserved in their natural and legal Distances, will regulate Affairs of State, by the sound Principles of solid Reason, mature Deliberations, and profound Judgment; whereas a Parity of Jurisdiction will totter the State, amuse the People with self-interested Councils, wavering Opinions, and make the Well-being of a Kingdom depend upon uncertain Fate, and the Capricio's of unsteady Fortune; which at length must necessarily plunge the State into an Ocean of Distractions, Misery, and Infelicity.

The Conservation of a Kingdom or State in Peace, Prosperity, and Unity, and the Knowledge of Governing discreetly and regularly, to compass those blessed Ends, are Rays of Favour and Goodness, issuing from a wise and almighty Essence.

*Est Deus in nobis, agitante calescimus illo;
Spiritus hic sacra lumina mentis habet.*

Which renders it more especially the Duty of those that preside at the Helm, to surmount the Title of meer Men, by endeavouring after such a Measure of Understanding, as flies a more sublime and noble Pitch, than Humanity can otherwise attain to; for by this Means, great Men will not only surpass others of lesser Quality, but will live after the Dictates of those divine Monitors in their Bosoms, which ought to have the Supremacy in all their Cogitations and Actions, *viz.* 'The steady Belief of a Deity, and a Conformity to the Precepts of Religion and the Laws of Reason.' These will render them truly wise, just, and courageous, and add a nobler distinguishing Allay to their Understandings, than others of equal Title can boast of: who for want of these Qualifications, are so deeply immersed in Sense, as renders them unserviceable to their Country, by a celebrated Maxim, 'That those who slight the great Concern of Eternity, will little regard the temporal Well-being of their Country.' Such Men by indulging corrupted Nature, and abdicating their Reasons, *Facie tantum homines sunt, non animo*, have not only the external Aspect of Men, but are destitute of those noble and illustrious Habits as qualify other Men for Government.

It is the *English* Nobility of the forementioned Character, that knowing themselves honourably born, of plentiful Estates in their Country, and that owe their Original to Virtue, that can never be suspected of ill Intentions against their native Soil, where their Parents, Relations, Friends, and Tenants reside, and must be possessed by their Heirs and Successors. And though they are tender of their Rights and Privileges, as the supreme Court of Judicature in *England*, from which there is no Appeal, and are zealous in maintaining them: Cannot, I say, without the greatest Breach of Duty and Charity imaginable, be supposed to act against the valuable Interest of *England* in general; but on the contrary are the Pillars that support the Nation's Welfare and Grandeur, and

their Estates in Conjunction with others, that defend our Coasts from the Insults and Depredations of our Enemies.

These are the *English* Nobles, which being adorned with their own Virtues, as well as with those of their Ancestors, merit Esteem, Preferment, Trust, Honour, and Fame, above all others that would stand in Competition with them, in the Administration of public Affairs; for they are Armour of Proof against all Innovations, and whatever might reflect Injuries upon our happy Constitution of King, Lords, and Commons, either obliquely or directly;

——— *Quod nec Jovis ira nec ignis,
Nec poterit ferrum, nec edax abolere vetustas.*

And by their prudent Consultations and Resolutions are the *Nestors* and *Ulysses*, that secure their Country against the repeated Designs of our Neighbours, that would be reputed *Ajaxes* and *Achilles*.

Their Lordships have been also equally zealous in demanding and maintaining the Rights of the People at Home; as may be seen in all the Traces of the Barons Wars, when our Kings would have erected a despotic Authority, and enslaved the People under the arbitrary Power of the reigning Monarchs; if they had not been brought to Reason, by the Opposition that was made against them by the Lords, Earls and Barons.

And it is no less observable in Justice to the Honourable House of Peers, that when a factious Crew of Republicans, that scandalously called themselves a House of Commons, confederated, by the Exclusion of more worthy Members, into a wicked and execrable Design, of investing themselves with an absolute and arbitrary Power, to the Destruction of the Monarchy, and enslaving their Fellow-Subjects; they could not accomplish their Ends, till they had violently, and by armed Force, hindered the House of Lords from sitting, and voted them dangerous and useless.

Again: The inconsiderable Number of Lords, that engaged in the Design of promoting and carrying on a bloody and ruinous Civil War in this Kingdom, and the many that shewed their Abhorrence of it, and Zeal in settling the Kingdom upon its ancient and venerable Basis of King, Lords and Commons, is a sufficient Argument and an invincible Evidence, that the Right Honourable the House of Lords, notwithstanding all their Losses, and the Provocations they had from the adverse Party, were yet always firm and immoveable, in the Preservation of the Rights of the People, and our legal Constitution.

But since the Design of this brief Discourse is not to aggravate Mistakes, create Jealousies, or widen Breaches, but to pacify the unhappy Differences between two of the Branches of our legislative Powers, from whose happy Concord, mutual Union, and amicable Correspondence in the common Interest of the Kingdom, we only can expect a durable Tranquillity, and on the contrary, from whose unseasonable Jars and Disagreements, we must live under the dismal Sense of approaching Ruin. I shall summarily discourse the Excellency of our Constitution in general, and then proceed to the Branches that compose the whole

whole Establishment, which has been as often as truly called, The Glory and Happiness of *England*, and the Admiration or Envy of all the World. Now,

To the End that Rights being adjusted, either by convincing eager or ill-advised Parties of their Mistakes, or by persuading good Men that have the same common Interest, of the Necessity of suffering Circumstantials and lighter Matters, to sleep at this Juncture, and for their own and our Preservation, to espouse Affairs of the greatest Consequence and Importance: By which Address, each Constellation moving amicably in their proper Stations, without reflecting unkind Aspects upon one another, Heaven, in Answer to the Prayers and Endeavours of all good Men, may bless us with a salubrious Air, a healthful and vigorous Body Politic, Minds united in Peace and Concord, which will infallibly produce fair Weather; and a happy Issue of parliamentary Proceedings in *England*.

Those wise and courageous Men that first reduced Mankind into some Kind of tolerable Order, by associating and assembling them into Cities, who before like Savages ranged over Woods, and dispersedly inhabited Deserts, without the Knowledge of Government or Laws, first obtained the Title of Kings; but some of them, in Time, and by Excess of Power, degenerating into Tyrants, produced Commonwealths, and both by ill Management, and straining their Authorities, produced that Maxim, That Monarchy leaves Men no Liberty; and a Commonwealth no Quiet. But we in *England* have embraced the golden Mean; our Laws take away from the Monarch the Power of doing Hurt, and yet leave him enough to govern and protect us: We take from the other the Parity, the Confusion, the Animosity and the License, and yet reserve a due Care of such a Liberty as consists with Men's Allegiance.

Our Government has much the stronger Byass towards Monarchy, which, when it falls into good Hands, has so great an Advantage above all other Forms, that they look out of Countenance when they are set in Competition with it. Here our King and Kingdom are (or ought to be) one creatured, not to be separated in their politic Capacity; his Throne is supported by Love as well as Power; the Laws of the Kingdom when stedfastly adhered to, are the sparkling Jewels that illustrate his Crown, and he has as much Dignity, Superiority, and Command, as a wise and good Prince can desire to have. So happy is our Constitution, that Dominion and Liberty are so well reconciled, that it gives the Prince the glorious Power of commanding Freemen, and the Subject the Satisfaction of seeing the Power so well lodged, that their Liberties are secure.

In the early Days of Monarchy, Kings seeing they were but single Persons, as long-sighted and handed as they are said to be, soon found themselves unable to transact all the Affairs of their Kingdoms in their own Persons; besides, being sometimes seduced from the Conduct of Reason and Policy, by yielding to their own Affections, they found themselves under a Necessity of serving themselves by the Assistance of other Heads and Hands, and therefore chose grave, sober, discreet and virtuous Persons to help them sustain the Weight of Government, and lessen their Cares and Troubles, by imparting their Power into other Hands. Thus *Romulus*, the first King of the *Romans*, chose a hundred Senators to assist him in his Government, who, out of Respect to their grey Heads, and great Understandings, were called *Patres*. *Theopompus*, King of *Sparta*, constituted the *Ephori*, and invested them with eminent

Authority. After the same Manner acted *Lycurgus*, *Solan* and *Thucydides*; and as Nations multiplied in *Europe* so we find the *Germans* have their *Dyets*, the *Danes* and *Swedes* their *Riicks Dachs*, the *Spaniards* their *Cortes*, the *French* have, or ought to have, their Assembly of the Three Estates, and we in *England* our Parliament, or according to the old *Norman French*, 'An Assembly where all the Members should sincerely and discreetly *Parle la Ment* freely 'speak their Minds for the Good of the Kingdom in general.'

The Institution of this illustrious Assembly in *England*, is as ancient as the *Britons*, who called their *Commune Concilium*, or Parliament, *Hyfrythen*, because their Laws were ordained in it. Under the Government of the *Saxons*, who made themselves Masters of the *British* Nation, they had their *Wittena Gemots*, or Parliaments, as now phrased, wherein they made Laws, and managed the great Affairs of the Kingdom, according to the Platform of their Ancestors. I pass over the *Danish* Government, because I cannot find there were any great Mutations, either of the Councils or Laws of the *English* Nation. *William* the First, though he got the Imperial Crown of *England*, and introduced several arbitrary Laws, as new Tenures, &c. yet was not *England* so entirely subdued, but that they made Claims against the King himself, which they could not have done but by Virtue of their ancient Rights, which that King durst not utterly abolish. Under *William* the Second, the *English* obtained their ancient Rights, by siding with him against the *Normans*. *William* being dead, *Henry* the First granted the *English* all their Rights and Privileges by Charter. And though in those Days all Affairs were transacted by the King, and the *Magnatis Angliæ* Peers, yet it must be granted, that the Commons have had a Right to sit, and were convocated to Parliaments, as an essential Branch of them, in the most early Days of our *Saxon* Ancestors, though the Records being destroyed by Age, or ill Purposes, the precise Time of their first being summoned cannot be exactly computed.

It must also be remembered, that the *Magnates* or Peers of the Kingdom, had always a Primacy of Order and Jurisdiction; and being in Right of their Births and the Laws of the Land, invested with a judicial Authority, from which Court there is no Appeal, have always in their Proceedings as a Court of Judicature, took Care 'to preserve a right Understanding between the King 'and the People, that no Blame might be imputed to the King; who can do 'no Wrong: Nor no Injury be done to the People, who ought to suffer none.' Their Lordships in these Proceedings, act upon Honour, are not bound up by Oaths, are both Judge and Jury, uncontrollable; and therefore with Respect to the worthy Vindicator of the Rights of the Commons, cannot be liable to the Check of any other Branch of the supreme Authority; for their Lordships act in these Matters according to their own 'great Judgments and Discretions, from 'whose Determinations there is no Appeal.'

The House of Commons being a numerous Body, the Representatives of the People, and another great Council within themselves, have the Power of impeaching and prosecuting evil Ministers, and other great Offenders; 'and the 'Lords never denied them the Exercise of this Power; but still have entirely 'reserved to themselves the Power of judging whether the Impeachments of 'the Commons be well grounded, and whether from the Proof they make, 'the

‘ the accused Persons are guilty or not guilty of the Charge, either in the Whole or in Part ; and by their own Authority, according to their great Wisdoms, either acquit or condemn the Persons accused.’ Which, with Submission, I think decides the Controversy about Preliminaries.

To keep the Balance of Power equal and in its due Poize, that one Branch of it may not encroach upon the other, there is a Power lodged in the Lords, to determine, in relation to their own Privileges, Whether the Matter complained of be an Encroachment or not ; for the decisive Power must be lodged somewhere ; it cannot be in the Complainants, for that would make them Judges in their own Cause ; and therefore must reside in the House of Lords, who, as a Court of Judicature, may take Notice of the minutest Circumstance, as Time, Place, Order, Decency, Encroachments or Innovations, as tending to the common Safety, by preventing Parity in Powers, Disorder and Confusion, which would otherwise extend *ad infinitum*, in Debates *pro* and *con*, about the Matter controverted between the two Houses.

On the 14th of *March*, in the 18 *Eliz.* the House of Lords disapproving the Proceedings of the House of Commons in the Lord *Sturton*’s Bill, and among other Things, ‘ That the House of Commons did not use that Reverence to them as they ought to do,’ which concerned the Lords in Point of Honour, and being reported by the Committee to the Commons, Sir *Anthony Mildway*, by Commission from the Commons, told the Lords at the next Conference, ‘ That they were very sorry their Lordships had conceived such an Opinion of the House, as though they had forgot their Duty to them ;’ praying their Lordships to believe, that the House of Commons did not want Consideration of the Superiority of their Estates, in respect of their honourable Calling, which they did acknowledge with all Humbleness ; protesting that they would yield unto their Lordships all dutiful Reverence, so far as it was not prejudicial to the Liberties of their House, which behoveth them to leave to their Posterities, in the same Freedom they have received them. By which submissive and modest Answer the Lords were satisfied, and the Honour and Rights of both Houses amicably preserved ; which Method if it were as strictly observed, as by all good Men it is earnestly desired, it would allay unnecessary Heats, prevent Animosities, and put an End to Parties and Factions, which by endeavouring to divide the two Houses, open a Way to the *French* to accomplish their Ends over us.

This Course, I say, by creating a right Understanding between the two Houses, which is equally their own Interests, as well as of the whole Kingdom, would render the Nation insuperable, and is worthy the most serious and pious Considerations and Resolutions of both Houses, more especially in this Juncture of Affairs ; for since both Houses agree in the Main, the public Good, and seem to contend which of them shall most contribute to that blessed End ; it must needs be nothing but Mistakes and Misapprehensions that keeps them in Variance, or a Bone thrown among them from the other Side of the Water, to inflame Differences, who for many Years have laid it down as a certain Maxim among them, ‘ That *England* is a strong Body that can never be destroyed but by itself,’ which, by an *English* Interpretation, is by a Division among the Powers, that can only under an Almighty Providence, secure us ; and is now attempted

attempted by all the subtle, nefarious, and treacherous Artifices of our domestic and foreign Enemies.

To prescribe the Methods for a Reconciliation, between two such wise and judicious Assemblies, otherwise than by our Prayers to God and them to effect it, would be an unpardonable Presumption in a Man of my weak Capacity, and therefore shall only beg leave to tell the World a short but very significant Story.

Two great and good Men having been set at Difference, and forced upon Law Suits, but by ill Acquaintance and Neighbours, to the Prejudice of their Estates and Families; one of them taking a prudent Neighbour with him, went to his Antagonist, and proposed Terms of Agreement; the other as generously offered to stand to his Award, and so they were immediately reconciled; upon which the latter said to the third Person,—Am not I a good Man in agreeing upon Terms proposed by my Adversary?—Yes, replied the indifferent Person, you have shewed yourself a good Man by such a generous Condescension: But he is certainly the wisest and best Man, that first offered Terms of Accommodation. Stiffness enrages, but Prudence dissolves angry Mistakes.

January 19, in the Parliament began the 19th of *Elizabeth*, several Members of the House of Commons were sent with a Message to the Lords, to receive Satisfaction from them, touching an Innovation lately begun, as it was said, in that House, *viz.* ‘ That an Answer to a Message from the Commons ‘ was given by the Lord Keeper, sitting in his Place, and all the Lords keeping their Places, and not going down to the Bar, as usually was their Custom.’ Upon a long Debate, it was resolved by the Lords, That it was the Order and Usage of the House, when any Bills or Messages are brought from the Commons to the Lords, the Lord Keeper and the rest of the Lords, are to rise from their Places, and go down to the Bar, to meet such as come from the Commons, and in that Place to receive their Message and Bills; but on the contrary, when any Answer was to be delivered in the Name of the House, to such Knights, Citizens, and Burgeses, as came from the House of Commons, the said Knights, Citizens, and Burgeses, standing at the lower End of the House, without the Bar, the Lord Keeper is to deliver the Lords Answer, sitting in his Place, with his Head covered, and all the Lords keeping their Places: And the Lord Archbishop, Lord Treasurer, Lord *North*, and Lord *Buckhurst*, who were Seniors of that House, affirming this to be the antient Custom, the Commons were satisfied.

This you see was a pure Mistake in the Commons, without any Design of encroaching upon the Privileges or Custom of the House of Lords, who, they thought, made Innovations upon them; but the Mistake being rectified by the Lords, they amicably dropt their Pretensions: Which will always have the same Effect, where Persons only propose and debate purely to receive Satisfaction, and not to keep up a Controversy, to humour a malecontented Faction, that have some private Interests of their own to serve, which others that unadvisedly run with the Herd, are utter Strangers to, and would desert them if they were privy to the Secret.

The

The Power of Judicature belonging to the House of Lords, is seen chiefly in their Jurisdiction upon Writs of Error, and their Judgment of Offences, as well Capital as not Capital, which they give to any public Mischief in the State. Of these Judgments of such Offences, many Examples of former Times are to be found in the Records of Parliament, but none more apposite to our present Purpose, than that of Mr. *Thomas Thorpe*, who was not only a Member, but Speaker of the Honourable House of Commons, whose Case followeth.

Friday the 15th of *February*, in the 31 *Henry VI.* it was opened and declared to the Lords Spiritual and Temporal, who were then in the Parliament-Chamber, by the Counsel of the Duke of *York*; that whereas *Thomas Thorpe*, on *Monday* the first Day of *August*, came into the Place of the Bishop of *Durham*, and then and there took away certain Goods and Cattle of the said Duke's, against his Will and Licence; the Duke took his Action by Bill, in *Michaelmas* Term last past, against the said *Thomas*, in the Court of *Exchequer*; to which Bill the said *Thomas* appeared, and was by a Jury found guilty of the Trespass, to the Damage and Cost of 1010 Pounds, and was committed to the *Fleet*. Thereupon it was humbly prayed, on behalf of the Duke, that since all this was done out of Parliament Time, that the said *Thomas* might not be released, by virtue of Privilege of Parliament, till the Duke be satisfied his Costs and Damages.

The Lords, unwilling to prejudice the Liberties and Privileges of the House of Commons, but desirous to administer Justice according to Law, enquired of the Judges, Whether the Speaker ought to be delivered from Prison, by virtue of his Privilege, or not? To which, after Consultation, the Chief Justice, in the Name of the rest, said, that they ought not to answer that Question; because it was already determined in Parliament, that the Judges should not intermeddle in the Privileges of Parliament: However by a Writ of Superseas of Privilege of Parliament, of which the High Court of Lords had only Cognizance, he might be detained. Upon which it was judged by the Lords Spiritual and Temporal, that the Speaker should remain in Prison, his Privilege notwithstanding. Whereupon, by the Command of the Lords, the House of Commons being now assembled, they were made acquainted with these Proceedings, and that they should elect another Speaker in the Place of Mr. *Thorpe*, with all godly Haste and Speed, that the Matter for which the King called this Parliament, might have a good and effectual Conclusion and End; to which the House of Commons agreed, and in his Place chose Mr. *Thomas Carleton* their Speaker, who was approved by the King.

This is a clear Conviction of the unanimous Agreement in ancient Times, between the three Branches of the supreme Power, the Body Politic of the Kingdom, without any unnecessary Clamours or Bickerings about particular Privileges, which is but like one's Limb jarring with the rest, which may procure the Dissolution, never the Strengthening of the Whole. Here a Subject complains of Injury he was like to suffer by the Privilege of a great Commoner; the Lords interpose by their judicial Authority; the King confirms their Judgment, by issuing out a Writ for the Choice of a new Speaker; and the House of Commons affirm the Proceedings of the other two Branches, by complying with their Orders. The good Effect of which exemplary Agreement, and the
Readiness

Readiness also of the Lords to comply with the Commons in any thing tending to the public Good, was also particularly conspicuous in the late Act for abolishing those Privileges of both Houses of Parliament; which, however reasonable at their first Institution, came by Degrees to be the Scandal of those that enjoyed them, and the insupportable Grievance of all others.

Common Experience has too amply convinced the World, that great Ministers of State, or, as the old Word was, Minions, did always poison the Minds of Kings with a despotical Power, inherent in them as sovereign Princes; *Quod Principi placuit Lex esto*; not for the Honour or Good of the Crown, which can only be steady upon the Monarch's Brows, by a strict Observation and Conformity to the Laws, but for their particular Advantages in heaping up Riches, or that they might reign themselves, and be Sovereigns over their Masters. To rectify these Abuses, and punishing the Offenders, who has been more vigilant than the House of Lords, even against their own Members, when the Notoriety and Proof of the Facts were as evident as the Accusation importunate: Which shewing their Justice in the executive Part of their Authority, as well as their judicial Power in capital Offences: I shall exhibit some Examples of both.

And this I rather do, to shew the ancient Methods of proceeding in Cases of Impeachment, and with how much Ease and Unanimity each House of Parliament then preserved their own Rights, without jarring about adjusting Preliminaries, or flying into dangerous and unnatural Heats, about such petty Circumstances, as Time, Place, &c. to the defeating the great End of trying the Issue; which is equally the Interest and Desires of both Houses, and makes it worth a diligent Inquisition, whether the Obstructions they encounter do not originally proceed from such ill Men out of Doors, as wish well to neither King, Lords nor Commons, but to serve themselves, or some Interest behind the Curtain, would ruin the best Constitution in the World.

Rotulo Parlimenti Anno 10. R. 2. M. 4. 5. In this Parliament all the Commons with one Accord, and in one Assembly, came before the King, Prelates and Temporal Lords, in the Parliament-Chamber, and there by Word of Mouth, grievously complained against *Michael de la Pool*, Earl of *Suffolk*, late Chancellor of *England*, and put in Articles of Impeachment against him afterwards, importing, 'that he being Chancellor, and by Oath of Office obliged to promote the King's Interest,' which is the common Good, 'without Respect to his Oath, or the King's great Necessity, had purchased several Lands of the King, at under Rates: Neglected the great Affairs of the Kingdom; converted a Subsidy to other Uses than for which it was appropriated by the King, and Lords of Parliament,' with many other high Crimes and Misdemeanors, of which the Commons demanded Judgment of the House of Lords. In which I observe, that the Commons had the Privilege *accusare & petere judicium*, the King *assentire*, and the Lords only did *judicare*; and therefore by a natural Consequence, it ought to be granted indisputably, 'that the Lords having the sole Power of Judicature, have the same Right in ordering all Circumstantials conducing to that great End,' giving Judgment; which I only offer argumentatively, not dogmatically; but submit, as in all other things, to better Judgments.

That

That the Judgment belongs only to the Lords, appears 7 *Henry IV.* in the Case of the Earl of *Northumberland*, where, upon an Endeavour to add others as Judges in that High Court, the Lords made Protestation, 'That the Judgment belonged to them only.' Which is further confirmed by the Protestation of the Commons, 1 *Hen. VII.* which excludes them. However, to shew there were early Designs to encroach upon the Authority of the Lords by Degrees, on *Monday, November 3*, the Commons made a Declaration to the King, that no Record in Parliament should be made against the Commons, that they are or shall be Parties to any Judgment given, or hereafter to be given in Parliament.

Unto which it was then answered by the Archbishop of *Canterbury*, by the King's Command, 'That the Commons are only Petitioners, not Demanders, and that the King and the Lords have ever had, and of Right ought to have the Judgment in Parliament;' in manner as the Commons had declared, saying in Statutes to be made, in granting Subsidies and the like; though for what is done for the common Profit of the Realm, the King will have especially their Advice and Assent: And that this Order should be held and kept at all Times to come.

This excludes the Commons from Right to Judgment: But whereas it is said, that Judgments in Parliament belong only to the King and Lords, that is to be understood only of the King's Assent, as appears by the Replication of the Lords, in 2 *Hen. V.* which was thus:

In the Parliament at *Leicester*, 11 *Hen. V.* Numb. 11. *Thomas* Earl of *Salisbury* petitioneth to reverse a Judgment in Parliament, against *John* Earl of *Salisbury* his Father, in 11 *Hen. IV.* and one of the Errors assigned was, 'That the Judgment was not given by the King, but by the Temporal Lords only;' but the whole Matter being legally debated, first by the King's Council learned in the Laws, and after that in full Parliament, it was adjudged, that the King being always presumed to be in Parliament, as the Head of that illustrious Body, the Judgment was *bona & justa & legalia, & ea pro hujusmodi ex abundanti decreverunt & adjudicaverunt.*

Out of the last recited Precedent of the 11 *Hen. V.* may be observed, that the Temporal Lords, by the King's Assent, may give Judgment in capital Crimes, and that the Temporal Lords are the sole Judges; but in High Crimes and Misdemeanors the Lords Spiritual and Temporal are equal Judges, and the King's Assent is not necessary. And for this Reason it was, as King *Charles I.* learnedly expresses it, 'That the Lords were entrusted with a judicatory Power, that they might be a Skreen between the Prince and the People, to assist each against the Encroachments of the others, and by such Judgments to perform that Law which ought to be the Rule of every Branch of the supreme Power.'

When the Commons, in 10. *R. II.* impeached the Lord Chancellor, they were present at his Answer; often replied and enforced his Oath against him; but where the Commons only complain, and do neither impeach the Party by Word of Mouth in open House, nor in Writing, nor demand to be present at the Trial; in these Cases it is in the Election of the Lords, whether the Commons shall be present or not? Nay farther, as in Instance of the superior Power of the Lords in Impeachments and Trials. In the Case of *Alice Peirce*, in the

to R. II. though the Commons impeached her by Word of Mouth in the Lord's Chamber, the Lords, for Reasons best known to themselves, and for which they were not accountable to any other real or pretended Jurisdiction, deferred her Trial till the Commons were adjourned. By which it appears, that the Time for Trials for Offenders, is to be appointed by the House of Lords; and if to procrastinate the Time, and create Delays injurious to the Honours and Affairs of the Persons impeached, it be objected, that the Time or Place is inconvenient for the Prosecutors: With due Respect to the ingenious Sir H. M. their Lordships are the proper Judges of the Reasons given to delay Justice, and if they think them insufficient may proceed to Judgment: For as their Sentence is irrevocable, so the Methods their Lordships prescribe, in order to do Justice, are uncontrollable; for otherwise they cannot answer the End for which their Powers were established; to do Justice without Delay or Partiality.

Lionel Cranfield, Earl of *Middlesex*, who was made Lord Treasurer of *England* by King *James I.* was impeached of High Crimes and Misdemeanors, by the House of Commons of the 21st and 22d of that King. In which Impeachment all things proceeded regularly between the Prosecutors, the Impeached, and the Lords that were Judges, till upon mature Deliberations the Cause was ripe for Judgment; and then, as appears *ex Journali Domus procerum*, a Message was sent from the Lords to the Commons, by Mr. Serjeant *Crew*, and Mr. Attorney General, *viz.*

‘ That the Lords are now ready to give Judgment against the Lord Treasurer, if they with their Speaker will come and demand the same.’

It was answered, ‘ They will attend presently.’

The Lords being all in their Robes, the Lord Treasurer was brought to the Bar by the Gentleman Usher and the Serjeant at Arms; his Lordship made low Obedience, and kneeled, till the Lord Keeper willed him to stand up.

The Commons with their Speaker came, and the Serjeant attending the Speaker presently put down his Mace, and the Speaker in the Name of the House of Commons, and of all the Commons of *England*, delivered himself to this Effect.

The Knights, Citizens, and Burgeſſes, in this Parliament assembled, heretofore transmitted to your Lordships an Impeachment of several Offences against the Right Honourable *Lionel* Earl of *Middlesex*, Lord High Treasurer of *England*, for Bribery, Extortion, Oppressions, and other grievous Misdemeanors committed by his Lordship. And now the Commons by me their Speaker demand Judgment against him for the same.

The Lord Keeper answered, The High Court of Parliament doth adjudge, that *Lionel* Earl of *Middlesex*, now Lord Treasurer of *England*, shall lose all his Offices that he holds in this Kingdom, and shall be made for ever incapable of any Office, Place, or Employment, in the State and Commonwealth that he shall be imprisoned in the Tower of *London*, during the King's Pleasure; that he shall pay to our Sovereign Lord the King the Fine of 50,000*l.* that he shall never sit more in Parliament; and that he shall never come within the Verge of the Court.

May 24, 1624, ordered, That the King's Council draw a Bill, and present it to the House, to make the Lands of the Earl of *Middlesex* liable unto his Debts,

Debts, unto the Fine to the King, unto Accounts to the King hereafter, and to make Restitution to such as he had wronged, as shall be allowed of by the House.

Here you see the great Care that was taken for the common Safety ; the Commons exercised their Power of impeaching and prosecuting ; the Lords exercised their Power of Judicature ; the People were relieved from intolerable Oppression ; those that were wronged had Restitution made them, and the King was well rid of an evil Minister, whose Mismanagement reflected Blame upon the King's Conduct, and all this done without any kind of jarring between the two Houses.

And yet the Offender was very rich, had many Friends at Court, had an Opportunity by the great Post he filled, to make a considerable Interest every where ; and from the Caution that was given by the Lord Bacon, *viz.* ' That a Parliament would come, did not neglect to provide against a Storm.' He had great Alliance, a numerous Kindred, the King's Ear and Assurance of his Favour ; notwithstanding all which we see no Artifices employed to elude the Law, no Stumbling-blocks thrown in the Way of Justice, no unnecessary Disputes raised about Circumstantials, to delay or disappoint the Trial ; or if there were, the Prudence and Integrity both of Prosecutors and Judges, rendered all such Attempts ineffectual, and at length made the Offender's Punishment proportionable to his Crimes.

Now why all Things run so smoothly and regularly, where in all Probability, a powerful Opposition, or an artificial puzzling and perplexing the Cause, corrupting Evidences, and bribing those that would take them, was to be expected, may easily be collected from these Considerations ?

First, because the Lords who were Judges of the Facts, were Men of Honour, Justice, Wisdom and Integrity, who would not be imposed upon by the subtle Arts of a factious Party ; nor allured by any Temptation to scandalize their own Bearings by acting against the Interest of their Country, either in acquitting the Nocent, or condemning the Innocent, but, like the Judge of all the World, would do Right.

Secondly, because the House of Commons, who were Impeachers and Prosecutors, had nothing in view but redressing Grievances in punishing an evil Minister ; they had no Piques or Revenges to serve ; their Aims were honest without any Allay of Self-Interest, or by justling him out of a fat Employment to step into it themselves, which would be thought a more effectual Method to accomplish that sinister End than that prescribed by the Vindicator of the Commons, *viz.* ' To resign their Offices to purchase the Satisfaction of being without one, and the Honour of suffering for their Country.'

Thirdly, They did not impeach the Lord Treasurer blindfold, upon uncertain Report, or with insufficient Matter, and after finding him innocent, studied by little Arts and Evasions to blind the World and drop the Prosecution : but looking upon him as a criminal Offender, prosecuted vigorously, as People do that would be thought to be in earnest ; for otherwise they had laid themselves under the vehement Suspicion of acting weakly or wickedly ; which would have been but very indifferent Recommendations to a new Election, when that Parliament arrived to its Period.

But if by Corruption of Men's Morals, Things should be carried directly contrary to the Practice of our Ancestors, and of right Reason and Justice; and that the Right of Impeachment in the Commons should be extended to make the Right of Judicature in the Lords (by Shifts, Evasions, and needless Disputes) impracticable as often as they please; then is the Right of the Subject utterly destroyed, they can have no Remedy against an evil Ministry, and all things must unavoidably run into Confusion. To prevent which our Constitution has lodged a Power in the Lords to bound and limit all Jurisdictions that are inferior to their own, that they may not interfere with theirs, to frustrate the End of their Establishment; and this Superiority must take place, by all the Maxims of Law and Reason in the World; for where there are distinct Powers in relation to the same End, there is a Necessity for Order and Justice-Sake, that the lesser Power submit to the greater, or else unnecessary and trifling Disputes might be perpetrated to the World's End: And it is this over-ruling or decisive Power in the Lords, that exalts them to such a high Degree in the Esteem of the People; because in all Impeachments of the Commons, the Lords are to be their Judges, who by several Examples in a few Years last past, have preserved several Persons and Families from utter Infamy and Ruin, only by checking the fatal Consequence of a Heat began and continued with more Passion than Reason in another Place.

A Man prefers a Bill of Indictment against his Neighbour in the Court of *King's Bench*, for a Misdemeanor, and requires he may give sufficient Security to abide the Judgment of that Court, and then lets the Matter sleep; he has served his End in scandalizing his Neighbour, and will proceed no farther. The Person indicted being conscious of his own Innocency and the Malice of his Adversary, and withal finding this Indictment tending to his Disreputation and the Loss of his Trade, moves the Judges, that in Justice to him, and the Honour of the Court he may be either tried or acquitted: which the Court immediately, and in Course, will make a Rule for.

Now would it not look very oddly, that the Prosecutor should assign for Reasons to keep the Indictment a Foot, 'That he is full of Business, and not at leisure to prosecute; or that the Place and Time appointed by the Judges is inconvenient?' Can any Man that has his Reason about him, forbear to think but that the Prosecutor knows the Person he has accused is innocent, and only makes use of these Shifts to keep himself from being exposed?

Can any Man that is not qualified to believe Transubstantiation offer such Violence to his Reason, or reflect so much Dishonour upon the Court, as to imagine the Court before whom the Matter lies, and who are proper Judges of it, and of all things relating to it, will admit this trifling with the Court? No, but on the contrary, having allowed the Prosecutor a reasonable time, and he not complying with it, will dismiss the Indictment?

In answer to this, Sir *Humphrey Mackworth* is pleas'd to tell us, 'That the supreme Court of Parliament has a greater Latitude than inferiour Courts, and is not tied up to such strict Rules as they are: And truly this Evasion was all that learned, modest and worthy Gentleman had to say in that Matter; for if he had waded farther, and been more particular in his Answer to that Objection, he might have eclipsed the Reputation he had so justly merited in all Sorts of Learning,

Learning, which he wisely foresaw, and therefore would not dwell upon so plain and equitable a Comparison, which the meanest Capacity might be a Judge of.

I will not deny but that the High Court of Parliament has a more extensive Jurisdiction, and is not tied up to the Formalities and strict Rules of inferior Courts; but I know Sir *Humphrey* will grant me, 'that the highest Courts in the World, ' nay of Heaven, are circumscribed within the Bounds of Reason and Justice, ' and that the higher the Court of Parliament is, the greater Obligation lies ' upon it to proceed agreeably to those sacred Principles; ' because they are Examples to inferior Courts, who will be apt to take the Liberty (while Men are but Men, and subject to Failings) to copy after such ill Precedents, if any should happen; and think themselves justified into wandering in bye Paths, while they but imitate the Examples of their Superiors.

Thomas Cromwell, Earl of *Essex*, was attainted by Parliament of High Treason, and yet never called to answer *Rot. Parl.* 32 *Hen.* 8. yet without questioning the Authority of Parliaments, or the Validity of the Attainder; it was said of the Manner of Proceeding, *Auferat oblivio, si potest; si non, utcunque Silentiam tegat*; for the more high a Court is, the more just and honourable it ought to be in proceeding, and to give Example in inferior Courts. And this I find was the Opinion of all the Judges in the Case above-mentioned, tho' that arbitrary Prince carried it against them. *Coke's Instit.* Vol. 3. Par. 4. pag. 37. Now tho' I will not say that keeping Men under Impeachments for High Crimes and Misdemeanors, without bringing them to a Tryal, is equivalent to attaining Men without hearing, yet the too long delaying Trials after Impeachments, is of ill Example; and to this I have the Authority of a House of Lords.

The next Thing I shall observe, is, that the Vindicator, in taking Notice of the Duty of Ministers of State, and that they often give ill Advice to their Sovereigns, fall very heavy by palpable, tho' not direct Words upon the late Lord Chancellor, in Justification of the Charge against him by the House of Commons, and therein begins with the first Article, ' That he, knowing the most ' apparent evil Consequences, as well as Injustice of the Treaty of Partition, ' did not, according to the Duty of his Place, and his Oath of Office, endeavour to obstruct it, but did advise his Majesty to enter into the said Treaty, ' &c.'

Now since I am of no Party but that of Law and Reason, I will not intermeddle with parliamentary Affairs, or in the least concern myself with the Transactions of that illustrious Assembly, but only answer Sir *Humphrey Mackworth*, as to the reasonable Part of Things, and as a private Gentleman, I take leave humbly to acquaint him, that nothing ought to be taken for granted to any Man's Disparagement or Dishonour, 'till it be sufficiently proved; for if bare Accusations rendered Men guilty, the most innocent Person in the World could not escape Censure. 'Tis true the Commons have impeached that noble Lord, but Impeachments are so far from being Convictions, that they are no Proofs. How often have the House of Commons in all Ages been misinformed, and proceeding upon Accusations that others have informed falsely, have met with severe Reflections, as well as Disappointments; besides, by the Maxims of the Antients, we are obliged to judge charitably of all Men, till Proof sets us right.

'Till

Till which Time there is much more Reason to credit his Lordship's Negative than an approved Affirmative, unless we knew the Witnesses; for his Lordship has averred,

That he was never acquainted with the Treaty [of Partition, or the Design of it, or any other Matter relating to it, at any other Time, nor in any other Manner, before he was told it was concluded and signed. And in relation to other Charges upon him on the same Head, his Lordship answers, That by his Majesty's express Command, he did send full Powers under the Broad Seal of *England*, for negotiating the said Treaty, with Blanks for his Majesty's Commissioners Names; which he humbly conceives, and is advised, was a sufficient Warrant for him to pass that Commission, it being prepared in usual Form of Commissions of full Powers with Blanks for the Commissioners Names, according to his Majesties Directions. And having also his Majesty's Command, that the said Treaty should be kept secret, he did not communicate it to the rest of the Lords Justices, or his Majesty's Privy-Council; which besides he conceived was necessary to be done, in regard his Majesty had then by his Commissioners perfected the said Treaty, so that the same could not be altered. Which is a direct and plain Answer, and relieves Sir H. M. from his Astonishment.

That he did pass several Grants to diverse Persons of several Lands belonging to his Majesty, in Right of his Crown of *England*; but saith, 'Before any of them came to the great Seal, the same were regularly passed through the proper Offices, and brought with them sufficient Warrants for the great Seal:' And conceives and is advised, that being required by his Majesty by Warrant to pass the same, he ought so to do: but denies that he ever advised, promoted or procured any Grant to be made to any Person whatsoever, of any forfeited Estate in *Ireland*, or did procure any Act or Bill prepared for confirming any such Grant in the Parliament of *Ireland*; but that what Bills of this Nature were remitted under the great Seal of *England*, to be passed into Laws in *Ireland*, the same were 'first approved and passed in the Privy-Council of *England*, and being so approved, were by Order of Council sent to him, who was by the said Order required to affix the Broad Seal thereto.'

That he did, besides the Profits and Perquisites of his Office, receive from the King an annual Pension and Allowance of four Thousand Pounds, being the like Pension that had been allowed to several of his Predecessors; but denies that he did beg, 'or use any Means to procure any Grant whatsoever from his Majesty, for his own Benefit, &c.' but that what he possesses in that kind, he received from his Majesty's Bounty; and he humbly conceives it was lawful for him to accept the same.

I have thus briefly mentioned his Lordship's Answer, to shew the World what little Cause Sir *Humphrey* had to harangue against a Person of his Lordship's Honour and Integrity, while Matters were only *pendente lite*, and nothing proved against him, tho' his Lordship and the House of Lords have very earnestly desired it. If the Vindicator should object, that he named no Person; I answer, he had better have done it; for every Reader knows who he means, and without Question if he had named him, he would have thought himself obliged to

to have treated that noble Peer with more Respect than he hath done, by expatiating in Generals, and amusing Men with pretended Crimes, where to this Day there is nothing proved, and peradventure will never be attempted.

No Sort of good Men, are offended with the House of Commons, in exercising their Right of Impeaching, that Truth might come to Light, and noisy Clamours be either confirm'd or silenc'd for ever; but no Man of Birth or Education will commend or approve of a private Gentlemen's 'heaping frightful Consequences upon an unconvicted Man of Quality, on naked Suppositions and Possibilities.' The matter has been before the proper Judges, who have declared him not Guilty; and after that it was unkindly done to raise new Heats against him, by raking in Embers where Water ought to have been thrown to have extinguished them for ever. I presume Sir *Humphrey* was no Evidence against his Lordship, and therefore as a Commoner ought not to have been a Judge: But things will for ever run in this Channel, while too much Zeal, or Prejudice forms the Harangue, without consulting the Understanding.

Farther, in discoursing the Security of the Public, from the Establishment and Use of the King's Councils, this worthy Member is pleased for the Information of the ignorant World, to tell us, 'that the Privy-Council is called *Concilium Regis Privatum, & Concilium Regis Secretum*; that they are *Partes Corporis Regis*; that they are to keep secret the King's Councils, and to advise the King in all things to the best of their Skill, for the universal Good of the King and his Land; that it is an Error to determine Matters of the highest Importance, without advising with any of the established Councils; that the Happiness and Prosperity of *England* hath hitherto been preserved, by the Constitution of the Government,' and that 'tis a maxim in Law, *Ignorantia Juris non excusat*.

All wonderful Discoveries, which he puts into *Italick*, that they might not escape the Readers particular Observation. It would be the highest Ingratitude in the World, to bury these superfine Politick Notions in the Shades of Oblivion, without owing the Knowledge of them to the worthy Vindicator: And 'tis a thousand Pities while his Hand was in and the good-natur'd and learned Fit was upon him, that he had not farther obliged his dear Countrymen, by telling them 'that these Privy-Councillors, these great Statesmen, did wear Cloaths, and eat, and drink, and sleep, like the rest of the Creation.'

In the next place the Vindicator proceeds to Discourse the Powers in the Lords and Commons upon Impeachments, which is the only part that answers his Title, and can be called a Vindication of the Rights of the Commons; for all the rest, nay and that too is such a confused heap of extraneous Interlocutory Positions, Maxims, and voluntary affected Abberations from his main design, (if there be any such thing as a Design in his whole Book) that it is impossible to trace in any kind of tolerable Order or Method, without running it into the same unpardonable Fault that he is so manifestly guilty of in every Page of his Vindication, I mean patching up a Pamphlet with useless Tautologies, unnecessary and continued Repetitions of the same Matter, and tedious long-winded Digressions, enough to nauseate any Reader, and transport an Answer into harsh Reflections, if the Respect due to his Person and Quality, did not more confine me within the Rules of Decency, than the Merits of his Vindication.

dication. I will not say the Gentleman is fond of his own Notions, unless it be for their Antiquity, that he repeats them so often; but this I dare affirm, that they are offensive to every indifferent Reader: And therefore am of Opinion, that the worthy Member took this Course, only for the Interest of the *Bookseller*, to swell into a Volume, that the *Grubstreet Printers* might not pirate upon his Copy, and sell his Two-shilling Book for a Penny; for otherwise all that he has said in forty, might with greater Reputation to the Author and Satisfaction to the Reader, have been comprehended in six Pages; but lean Subjects are always larded with Words, to make them have the better *Gusto*.

I agree with this Gentleman, ' that 'tis the great Security of the People and the Government, that the Judgment on Impeachments is of Right lodged in the Lords, who have the Power of impeaching also, if they please; for I find that sometimes the Commons have been defective in that Affair, and that those Defects have for the public Good been supplied by the Lords; as in that notorious Case of *Richard Lyons*, Merchant of *London*, who in the 50th Year of *Ed. III.* Numb. 15, 16. was impeached by the Commons of several Misdemeanors; as of defrauding the King and his Liege People by Covin made between him and some of the Privy-Council of the then King, for their own Profit and Advantage.

But the many Extortions and Villanies were set down by the Commons in such general Terms, that the Offender took Exceptions against the Generality of the Charge, and the Exceptions were allowed: However the Lords in their great Wisdoms would not reject the Impeachment, but supplied the Defects thereof by granting Commissions to make a particular Enquiry into the Matters so generally charged: And after the Return of those Commissions, by their single Authority, without consulting the Commons about the Methods and Formalities to be observed about his Tryal, sentenc'd the Criminal to Imprisonment, to make Fine and Ransom at the King's Pleasure, to lose his Freedom of the City of *London*, never to bear any Office, nor approach the Council, or the King's House, and that all his Lands and Tenements Goods and Chattels, should be seized in the King's Hands,

By which it is observable, the Power of the Lords in Impeachments, as well as Judicature, and that their adding Weight to the Commons Impeachment, which was defective in Law, the Offender was brought to condign Punishment.

I also accord with him in another Paragraph, wherein he is pleased to say, ' That the Rights of Impeachment in the Commons must not be construed to ' enable them to make the Right of Judicature in the Lords impracticable when ' they please: Nor that the Right of Judicature in the Lords, should be extended so far as to enable the Lords to make the Rights of Impeachment in ' the Commons impracticable when they think fit; but that both the Powers ' should admit such a Limitation and Construction, in the Nature and Exercise ' thereof, that they may consist together for the common Good, and be able to ' attain the End for which they were established.'

Nothing can be more or better said towards obtaining a perfect Reconciliation between both Houses, the great Thing that employs the good Wishes of all honest and thoughtful Men in the whole Kingdom, than what Sir *Humphrey* has ad-

advanced in the preceeding Paragraph; tho' I cannot forbear observing, that he so twists both the Powers together, that he seems to confound their distinct Jurisdictions, by making their Powers inseparable in every minute Circumstance, as if the Lords had not the Superiority of determining, when any such Disputes arose between them: which cannot be allowed him, for Reasons that will be shewed anon.

Nor may I omit, that he also very artfully insinuates and promotes the Belief of a prejudicate Opinion, 'That the Lords had a Design to encroach upon 'or infringe the Rights of the Commons; in the Matter of Impeachments,' tho' it be directly contrary to their Lordships express Words; who in their Message to the Commons on the 30th of *May* 1701, are pleased to say, 'That 'they do not controvert what Right the Commons may have of impeaching in 'general Terms, if they please.' These two Veins running through the whole Mine of his elaborate Discourse, he smelts and refines them to his own Advantage, to make it pass upon the credulous World, that the Lords were Aggressors in the Disputes between them, by endeavouring to deprive the Commons of the Right of impeaching: Which I take to be a great Error in his Pen, or a Defect in his Memory, in not rightly stating the Case before he suffered his Will to commit it to publick View and Censure; as will appear by the following Check upon that unkind Reflection.

For what Court of Judicature in the World can shew such Examples of Moderation, and a prudent Circumspection, in avoiding all Occasions of Offence, as their Lordships have done in the whole Course of their Proceedings about Impeachments; which I humbly beg leave to take a cursory View of, for the Conviction of our worthy Knight, and all others that either promote or are deluded into that erroneous Opinion.

The Commons having impeached four Lords of Parliament, and addressed his Majesty to banish them from his Councils and Presence for ever. The Lords also addressed his Majesty, that he would be pleased not to pass any Censure upon them, until they were tried upon the same Impeachments, and Judgment be given according to the Usage of Parliament, and the Laws of the Land; and which were in the right, according to the old Maxim, That every Man is presumed to be innocent, 'till he is legally convicted of a Crime, I leave wiser Heads than mine to determine.

The House of Commons having impeached four noble Peers, on the 15th of *April*, 1701, and not having sent up Articles against them all, on the 15th of *May*, 1701, their Lordships thought themselves obliged to put them in mind, 'That as yet no particular Articles have been exhibited against the Lords, which 'after Impeachments have been so long depending, is due in Justice to the Persons concerned, and agreeable to the Methods of Parliament in such Cases.' What could be more justly, modestly, and affectionately expressed, in Relation to the accused and the Accusers? It was only putting them in mind. The same Message was sent by the House of Lords to the House of Commons, on Behalf of two Lords against whom no Articles were exhibited on the 20th of *May* following; and an Answer fully as modest and reasonable was returned to the first, by the Commons to the Lords, on *Monday* the 19th of *May*, 1701, 'That Articles were preparing, and in a short time the House would send

* them up.' Here was no Sign of a Disagreement between the two Houses, nor would it ever have happened if the kindled Coals without Doors had not blown up Sparks that would have died of themselves, into unnecessary Heats.

These were the first Steps used between the Houses, in which there is not one Word that tends towards the Lords Encroachment upon the Rights of the Commons in Impeachments, or of the Commons suspecting the Lords had any such Design; and therefore I cannot but admire, that the Vindicator should take so much Pains to insinuate it; for that must be the Meaning of his suggesting a Power might arise in the Lords, to defeat the Right of the Commons in Impeachments, and his dreading the Right of levying Money might be defeated also; or else all the Discourse on that Head signifies nothing.

But the Vindicator's uncouth and falacious Way of arguing in generals, wherein he sees every Body, and Nobody sees him, and directly points at Men and Things to their Reproach, and yet cannot be charged with it, while he wilders himself and his Reader in generals, he thinks will bring himself off from the Suspicion of reflecting upon the Lords; and therefore has already provided himself an Asylum which he has recourse to for Shelter almost in every Page; and tho' he treats of Transactions now on Foot, and of Persons under a present Denomination, yet must, he thinks be excused, because he says, 'he is not arguing what any House of Lords will do, but what they may do hereafter.' So when he is pleased to give a slanting Blow against the King's Prerogative, he must forsooth be understood by Way of Prevention, that 'tis not meant against his present Majesty, but against bad Kings that may come hereafter. I confess this is a subtle and secure Way of talking, but whether it is decent and becoming the Character of a true *English* Gentleman, to do the Nation a present Mischiefe, by keeping up Feuds and Animosities, in order to prevent Dangers in Futurity, I leave to his most serious Consideration.

Not that I would be thought to derogate from the Honour and Integrity of Sir *Humphrey Mackworth*, by any thing I have said on this particular; but, with due submission, to enquire of him, whether this be the Way to effect a Reconciliation, by making Gaps for the Entrance of new Heats? Whether this be a time to mince Atoms, and split Hairs, to raise Fears and Jealousies about Encroachments, and to coin nice Distinction to divide a Kingdom, while our Enemies are watching for that Advantage to destroy it? Certainly as the Affairs of *England* are now circumstantiated, it stands more in need of Emollients than Corrosives of a Grave, not a Throne for Quarrels; of good Men to compose our Differences, and not of stiff Men, that insisting upon Niceties and Punctilio's, obstruct the Process of such weighty Affairs, as tend to preserve our Nation and Religion from the Jaws that are gaping to devour them; who clap their Hands at our Diversions and cry so, so would we have it.

Next after wasting ten Paragraphs about Writs of Error, Impeachments, at the King's Suit, and Tryals out of Parliament, which are all long since handled by *Selden* and *Pettit*, from whom he has transcribed his Notions, the Vindicator comes to intimate, for he says nothing directly; that in order to the Tryals of the impeached Lords, no Day ought to be appointed by their Lordships for the Trials, without some previous Signification from the Commons to their Lordships,

Lordships of their being ready to proceed; for appointing a time for the bringing in the Articles of Impeachment, and of Time and Place for Tryal, is not necessarily implied in the Power of Judicature, or inseparably annexed to it, but is a collateral Power which may or may not belong solely to the Judge, as the Nature of the Case does require.

This Assertion of Sir *Humphrey*'s destroys itself by its own Uncertainty, as well as for other Reasons; for after he has positively denied the Lords have the Power of appointing Time and Place for Tryals, he says, 'tis a collateral Power, and it either may or may not solely belong to them; but tells us not, as he ought to have done, in order to gain his Points, in what Cases they may, and in what Cases they may not exercise that Authority, nor indeed could he, for his own quoted Law and Reason is irresistably against his Pretension.—*Quando Lex aliquid concedit, concedere videtur & id, sine quo, res ipsa non potest.* When Law, when sound Reason, when the Constitution of a Government, gives a Right or Power to one Branch of the legislative Authority, to judge and determine in the highest and most material Part, in relation to Tryals on Impeachment, it gives every thing necessary to support that Power, or the great End, which is giving Judgment, may be defeated. Besides it would confound all judicial Proceedings, and the People could never obtain their Rights, if every Court of Justice had not an uncontrollable Power to order and direct the Circumstances and Matters of Form, that can have no Influence to the Prejudice of Justice, after such a Manner, and at such a time as they shall judge fit, and where the same are not settled by a positive Rule; for otherwise nothing could ensue but endless Disputes, unnecessary Competitions, Confusion, and every evil Work. Every inferior Court has such a Jurisdiction, and it would be the greatest Absurdity in the World, to affirm, that the supreme Court of Judicature, in *England*, (from which there is no Appeal) has it not. But,

To confirm his private Opinion against these known and till now uncontroverted Maxims of Law and Reason, the Vindicator falls again to Supposing; (the only Shelter and Topick to amuse, where Proof is wanting) and at such a Rate too, as could never have been expected in Print, from a Man of Sir *Humphrey*'s Parts and Probity; for he says, 'if the Lords upon all Impeachments have an absolute Power belonging to their Judicature, of appointing Time and Place for Tryal of an Impeachment, and may proceed both to Tryal and Judgment, without any Regard to the Commons, whether they are ready and do concur, or not: Have not the Lords then a Power to make the Right of Impeachment in the Commons impracticable when they think fit? May not the Lords either appoint a Time so short that the Commons can't possibly be ready; or a Time so long that Justice shall never be done? and may not the Place appointed be so distant, or so very inconvenient to the Commons, that they shall not be able to attend the Prosecution of the said Tryal with Effect? May it not be supposed to be possible, that the Lords may appoint the next Day to bring in Articles? May they not appoint the following Day for the Trial to be had at *Truro* in *Cornwall*, where neither the Commons nor the Witnesses can attend; or else the Lords may appoint the Trial to be had twenty or forty Years after, by which time all the Prosecutors and Witnesses may be in their

Graves, and the Nation undone by an evil Ministry. All this is possible to be done, tho' not probable: but a wise Constitution of Government provides even against Possibilities as far as may be, where the common Safety is at Stake.

Omitting all Pleasantry and Ridicule, that some Men would employ upon these repeated Provocations, I beg Sir *Humphrey*'s Licence to acquaint him, that Suppositions not grounded upon ill and foolish Things done already, which might warrant a Man to suppose that worse and more ridiculous Things would follow, are direct and egregious Scandals upon the Honours and Integrity of Noblemen that never gave Occasion for them: And to argue from Possibilities to Facts, without any Probability of their happening, deserves a more severe Return than I am willing to give, tho' when one considers that they are offered against the noble Lords in Parliament, it is a great Mortification to one that admires their Moderations, Sagacities and Justice to forbear it. What one Step have the House of Lords made to give Colour for these extravagant Surmises? In what one Instance have they neglected the Care and Safety of their Country; but it may be, this is Sir *Humphrey Mackworth*'s Way of asserting and maintaining the just Rights and Judicature of their Lordships, by supposing Improbabilities; and then I hope he will give me leave to remind him, That if he has not varied from his Intentions, he has sufficiently wandered from the Rules of Decency in the Execution.

There is but one Thing in his whole Bundle of Suppositions that deserves an Answer, and that is, That it was possible the Lords might appoint a Time for the Trials, before the Commons were prepared to prosecute, which the Lords not being privy to the Commons Transactions in that Affair might do unawares, tho' I am very confident if the Commons had assigned that as a Reason of their Delay, their Lordships would have given them Satisfaction in it; for by any thing that appears in their whole Management of that Affair, their Lordships never intended to surprise the Commons.

And indeed with what Shew of Reason can they be suspected to have any such Design? Are not their Lordships as much concerned that the Nation should not be wronged as the Commons are? Did they not defer the Trials from day to day that the Commons might be ready? Did not their Lordships give the Commons notice of their Resolutions to try the impeached Lords? And did they not repeat those Notices, and desire the Commons to appear at the Trials, till the Commons had made it impossible to send them any more Messages, by adjourning their House? Now he that consults the Journals of either House, will find, in my weak Opinion, that the Time appointed by the Lords was not so short but that the Commons might have been ready, or at least have given their Lordships their Reasons why they could not: Nor so long as twenty or forty Years to carry the Dispute into the other World. The Place was *Westminster-Hall*, which is somewhat nearer the House of Commons than *Truro* in *Cornwall*.

Does the Vindicator believe the common Safety lies at Stake at this Juncture, then certainly 'tis the common Interest now more than ever not to entertain Disputes about Powers when we are in Danger of losing them all, but to employ their utmost Abilities to accomodate Differences between the two Houses of Par-

Parliament, which are the Sinews, Nerves and Soul of the Kingdom, and endeavour to procure that happy Union in their Councils and Affections, that his Majesty has often told them will contribute to our Safety at home, and our being considerable abroad.

No Man in his right Mind can believe but that all the Endeavours of both Houses of Parliament in the main, are to promote the publick Good ; their unanimous Concurrence in all Acts of this Session to that Purpose, are undeniable Proofs of it, and therefore setting them at variance, or keeping up Feuds between them on any Pretence whatsoever, is laying the Ax to the Root of the Constitution, which should be every Man's Care to preserve. Forms in Proceedings are but the necessary Attendants on Power, but Peace and Unity between the two Houses are essential Requisites to our well-being, are to be preferred before all other Things in the World. Ceremonials may be omitted, Circumstantial may be laid aside, and Disputes tho' necessary in their Kind may be adjourned to other Times, without Prejudice to the Kingdom ; and therefore ought to give way and not disturb the Peace of the Kingdom ; and how it would become every wise Head to labour in this Affair, I leave to Sir *Humphrey's* more sedate Humour.

To uphold his Cause, the Vindicator further advanceth, ' That when a Debate shall at any time arise between the two Houses, that concerns the Right of all Impeachments whatsoever, and consequently the common Safety of the King and People ; then the Commons ought not to proceed to Trial 'till that Matter be first determined, notwithstanding they have plain and positive Proof against the Person impeached, or that he had actually confessed many of the Articles of Impeachment, which alone were sufficient to found a Judgment against him ; for otherwise it may so happen that the whole Justice of the Nation may be obstructed and defeated by Proceedings of the like Nature. This was the Resolutions of the Commons in the Case of the five Popish Lords whom no Person can think they were unwilling to bring to a Trial, or that they made use of such Pretences only to cover an affected Delay in the Prosecution.'

Here the Vindicator runs again into this old Mistake, and would persuade the Nation, ' That the Differences between the two Houses was about the Right of Impeachments,' which as has been said before, the Lords never controverted and therefore it looks like an ill Design in the Vindicator to promote the Belief of that Story by his often repeating it. The Difference is about the Right of appointing Time and Place, and of a Committee to settle Preliminaries in order to a Trial, but he thought these Circumstances were too inconsiderable things to differ about, and therefore lays it upon something that would make a greater Noise, viz. the Right of impeaching.

Well then, since Sir *Humphrey* has allowed in several Places of his Vindication, that appointing Time and Place are but Circumstances, and not essentially, tho' formally necessary to the great End, giving Judgment, it is not strange he should assert that ' the Commons ought not to proceed to Judgment till that Matter be first determined.' So that if the Nation be abused, cheated and reduced to the last Extremity by the Avarice, Corruption and Mismanagement of evil Ministers ; yet the Right of the Commons in Impeachments shall be defeated, the

the judicial Power of the Lords disappointed, and Criminals escape with Impunity, and all upon the Nicety of adjusting Preliminaries, but whether such a Resolution can compensate the ill Consequences of it, or whether this fine Show of the Vindicator's be worth the Candle, *Coram Judice lis est.*

As to a Committee of both Houses to settle the Preliminaries, their Lordships could not agree to it, because they could not find that ever such a Committee was appointed on Occasion of Impeachments for Misdemeanors, and therefore thought themselves obliged to be cautious in admitting any thing new in Matters relating to their Lordship's Judicature. For tho' such a Committee was agreed to upon the Impeachment of the Earl of *Danby* and the five Popish Lords for High-Treason, yet Sir *Humphrey* has little Reason to insist upon that Precedent; for that was in a Case of High-Treason, not Misdemeanors; and after much Time spent at that Committee, the Disputes were so far from being adjusted that they only occasioned an abrupt Conclusion of a Session of Parliament.

Now for a full and conclusive Answer to all the rest of Sir *Humphrey's* Allegations in his Vindication, let him be pleas'd to read the Message sent to the House of Commons from the House of Lords; and if he will not receive his Satisfaction from that, I will not pretend to give him one.

The Lords in Answer, to the Message of the House of Commons of the 17th Instant say, the only true way of determining which of the Houses has acted with the greatest Sincerity, in order to bring the impeached Lords to their Trials, is to look back upon the respective Proceedings.

The Lords do not well understand what the Commons mean by that Resentment which they speak of in their Message. Their Lordships own the House of Commons have a Right of Impeaching: And the Lords have the undoubted Power of doing Justice upon those Impeachments, by bringing them to Trial, and condemning or acquitting the Parties in a reasonable time. This Power is derived to them from their Ancestors, which they will not suffer to be wrested from them by any Pretences whatsoever.

Their Lordships cannot but wonder that the Commons should not have proposed a Committee of both Houses much sooner, if they thought it so necessary for the bringing on of the Trials; no mention being made of such a Committee from the first of *April* to the sixth of *June*, altho' during that Interval their Delays were frequently complained of by the House of Lords.

The Manner in which the Commons demand the Committee the Lords look upon as a direct invading their Judicature, and therefore, as there never was a Committee of both Houses yielded to by the Lords in Case of any Impeachment for high Crimes and Misdemeanors, so their Lordships do insist, that they will make no new Precedent upon this Occasion. Many Impeachments for Misdemeanors have in all Times been determined without such a Committee: And if now the Commons think fit, by any unprecedented Demand to form an Excuse for not prosecuting their Impeachments, it is demonstrable where the Obstruction lies.

As to the Preliminaries which the Commons mention in particular, as proper to be settled at such a Committee, they have received the Resolutions of the House of Lords therein, by their Message of the 12th Instant; from which
(being

(being Matters entirely belonging to their Judicatory) their Lordships cannot depart.

As to the last Pretence the Commons would make for the delaying of the Trials, from some Expressions which fell from the Lord *Haversham* at the free Conference, at which Offence was taken, their Lordships will only observe. That they have omitted nothing which might give the Commons reasonable Satisfaction of their Purpose to do them Justice in that Matter, so far as is consistent with doing Justice to that Lord, and also to preserve a good Correspondence with them; as appears by the several Steps they have taken.

Secondly, That this Business has no Relation to the Trials of the impeached Lords; and therefore their Lordships cannot imagine why the Commons should make Satisfaction and Reparation against the Lord *Haversham* a necessary Condition for their going on with the Trials, and at the same time find no Difficulty in proceeding on other Business. And now, if Sir *Humphrey* in his Replication will or can make a direct Answer to these Reasons in Vindication of the Proceedings of the Lords, *erit mihi magnus Apollo*.

To conclude, the Vindicator says, and all good Subjects of *England* agree to it, that 'tis the Interest of all to live in Peace and Union; to which I beg his leave to subjoin that woeful Experience has taught us, that nothing ever succeeded well in this Nation, when there was any clashing or unhappy Difference, either. 1. Between the King and both Houses of Parliament; for that has several times been the Occasion of bloody Wars in *England*, and has even run the whole Kingdom upon the Brink of Ruin. 2dly, when there was no good Correspondence between the Lords and Commons; as in the Example of the Kingdom of *Denmark*, which in four Days time, by thinking to abate the Power of the Lords, changed from an Aristocracy to an Absolute Monarchy, and where the Commons have since experienced, that the little Finger of an absolute Prince is heavier than the Loins of many Nobles. 3dly, When the Commons were at Variance amongst themselves, for that is dividing a House against itself in the literal Sense, which cannot long subsist under such dangerous Symptoms of approaching Ruin: From all which ominous Presages of Mischiefs to a Nation, *Good Lord deliver us*.

A true Account of the Proceedings relating to the Charge of the House of Commons against *John Lord Haversham*.

The Thirteenth of June, 1701. By Order of the House of Commons, Sir Christopher Musgrave brought up the Charge against John Lord Haversham to the House of Peers, in the Manner following.

THE Commons desiring to keep up a good Correspondence with their Lordships, do think it necessary to acquaint your Lordships, with what has happened at the free Conference.

One thing there is, tho' I cannot speak to it, because I am bound up by the Orders of the House, yet it must have some Answer; that is, as to the Lords voting in their own Case, it required an Answer, tho' I cannot go into the Debate of it. The Commons themselves have made this Precedent: For in these Impeachments, they have allowed Men guilty of the same Crimes, to vote in their own House; and therefore we have not made any Distinction in our House that some should vote and some not. The Lords have so high an Opinion of the Justice of the House of Commons, that they hope Justice shall never be made use of as a Mask for any Design; and therefore give me leave to say (tho' I am not to argue it) 'tis a plain Demonstration, that the Commons think these Lords innocent, and I think the Proposition is undeniable: For there are several Lords in the same Crimes, in the same Facts, there is no Distinction. And the Commons leave some of these Men at the Head of Affairs, near the King's Person, to do any Mischief, if their Persons were inclined to do it, and impeach others when they are both alike Guilty, and concerned in the same Facts. This is a thing I was in hopes I should never have heard asserted, when the Beginning of it was from the House of Commons.

Resolved,

That *John Lord Haversham* be Charged before the Lords, for the Words spoken by the said Lord, this Day at the free Conference: And that the Lords be desired to proceed in Justice against the Lord *Haversham*; and to inflict such Punishment upon the said Lord, as so high an Offence against the House of Commons doth deserve.

16 JUNE, 1701.

A Message was sent to the House of Commons by Sir *John Franklin* and Sir *Richard Holford*, to acquaint them, that in order to keep a good Correspondence between the two Houses, to put the Charge against *John Lord Haversham* in

n a Court of Justice, have order'd (at his Lordship's Motion) his Lordship a Copy of the Charge against him; and that he do put in his Answer thereunto, in order to bring that Matter to a speedy Judgment.

The Answer of John Lord Haversham, to the Charge exhibited against him by the Commons, for Words spoken at a free Conference, on the Day of

THE said Lord *Haversham* saving to himself all Advantages of Exception to the said Charge, and of not being prejudiced by any want of Form in this his Answer: And also saving to himself all Rights and Privileges belonging to him, as one of the Peers, of this Realm. For Answer to the said Charge, saith,

That on the sixth Day of *June*, 1701, the Commons by a Message sent to the Lords desired a Conference, upon their Message to the Commons of the Fourth of *June*. In which Conference they proposed to the Lords, that a Committee of both Houses might be nominated, to consider of the most proper Ways and Methods of proceeding on the Impeachments of the Lords, according to the Usage of Parliament. That on the Tenth of *June* the Lords desired another Conference with the Commons, in which they delivered them their Reasons why they could not agree to the appointing of such Committee, (*viz*) 1st, that they could not find, that ever such a Committee was appointed on Occasion of Impeachments for Misdemeanours, and their Obligation to be cautious, in admitting any thing New in Matters relating to Judicature. 2^{dly}, That altho' a Committee of this Nature was agreed to, upon the Impeachments of the Earl of *Danby*, and the five Popish Lords, for High Treason; yet the Success in that Instance, was not such as should encourage the pursuing the same Method, tho' in the like Case: And that after much Time spent at that Committee, the Disputes were so far from being there adjusted, that they occasioned the abrupt Conclusion of a Session of Parliament. 3^{dly}, That the Method of Proceedings on Impeachments for Misdemeanours are so well settled by the Usage of Parliament, that no Difficulties were likely to happen, nor none had been stated to them: And that all the Preliminaries, in the Case of *Stephen Goudett*, and others (which was the last Instance of Impeachments for Misdemeanours) were easily settled and agreed to, without any such Committee. 4^{thly}, That the Proposal of the Commons came so very late, that no other Fruit could be expected of such a Committee, but the preventing of the Trials during this Session. Whereupon the Commons on the 12th of *June*, desired of the Lords a free Conference on the Subject Matter of the last Conference.

That the Lords on the said 12th of *June*, came to two Resolutions in relation to the Lords impeached. 1st, That no Lord of Parliament, impeached of High Crimes and Misdemeanours, and coming to his Trial, shall, upon his Trial, be without the Bar. 2^{dly}, That no Lord of Parliament, impeached of high Crimes and Misdemeanours, can be precluded from voting on any Occasion, except in his own Trial. And by Messengers of their own, the Lords acquainted the Commons with the said two Resolutions: And also, That they agreed to a free Conference with the Commons, and appointed the next Day.

That upon the 13th of June, Mr. *Harcourt*, one of the Managers, began the free Conference on the part of the Commons, and argued upon the four Reasons given by the Lords, why they could not agree to the appointing a Committee of both Houses; and principally relied upon the Instance in the Case of the Popish Lords: And insisted upon the Delay, that the not agreeing to the Nomination of such a Committee would necessarily occasion, whereby the Lords Tryals, and the Justice due to the Nation, would be retarded. And departing from the Subject Matter of the said Conference (which was, whether it were requisite to appoint or not appoint such a Committee) the said Manager discoursed upon the latter of the two Resolutions of the Lords, communicated to the Commons: And said, that he wished the Lords had sent down their Reasons as well as their Resolutions; which Words seem'd to the said Lord *Haversham*, to carry an Implication, as if the said Resolution could have no Reason to justify it.

That Sir *Bartholomew Shore*, another Manager for the Commons, observed the same Methods of Discourse; and having argued upon the Lords Reasons, departed from the Subject-Matter of the free Conference, and inveighing against the Manner of the Lords Judicature, asserted by their Resolution, said, that it was abhorrent to Justice.

Which Expressions being foreign (as the said Lord *Haversham* apprehended) to the Subject-Matter of the free Conference, which was whether such Committee of both Houses should be appointed or not, the said Lord being appointed by the Lords for one of the Managers of the said free Conference on their Behalf, in Vindication of the Honour and Justice of the House of Peers, and of their Judicature and Resolutions. In answer to what had been said by the Managers for the Commons, he spoke to the Effect following.

Gentlemen,

I shall begin what I have to say, as that worthy Member who opened this Conference, that there is nothing the Lords more desire, than to keep a good Correspondence, which is so necessary to the Safety of the Nation, and the dispatch of public Business; and nothing they have more carefully avoided, than what might create a Misunderstanding between the two Houses. A greater Instance of which could not be given, than the Messages my Lords returned to some the Commons had sent them up: in which they took Care to express themselves so cautiously, that no Heat might arise from any Expression of theirs: And as to what the worthy Members mentioned in Relation to Delay, the repeated Remembrances sent the Commons, with Relation to the sending up the Articles against the impeached Lords, are a sufficient Instance how desirous they are that these Matters should proceed: And the Lords have this Satisfaction, that it is not on their Part, that the Tryals are not in greater Forwardness. They cannot but look upon it as a great Hardship, that any should lie under long Delays on Impeachments; Persons may be incapable, Facts may be forgotten, Evidences may be laid out of the Way, Witnesses may die, and many the like Accidents may happen. The Instance the worthy Members give of the popish Lords, as it is a Crime of another Nature, and not fully to the Point; so it seems to make against what it was brought for; for the worthy Members say, there was but one of the Lords brought to Justice, tho' four more (as I take it), were accused: And can any Man believe, that

that the Commons have a Mind to bring only one of these Lords to Tryal, it is inconsistent with the Opinion that every Body must have of their Justice? And as to the Point of Judicature, it were very hard upon the Lords, that no Person should be brought to Tryal till the Judicature of the House be so first. The Judicature of the Lords is their Peculiar, and hath in former Ages been sacred with the Commons themselves: And this House perhaps, hath as much Reason to be jealous and careful of it, as any other House ever had, especially when one single Precedent is so urged and insisted upon. One thing there is, which a worthy Member mentioned, tho' I cannot speak to it at large, because I think myself bound up by the Resolutions of the House. Yet it must have some Answer; that is, as to the Lords voting in their own Case it requires an Answer, though I cannot enter into the Debate of it. The Commons themselves have made this Precedent: For in these Impeachments, they have allowed Men equally concerned in the same Facts to vote in their own House; and we have not made the Distinction in ours, that some should vote, and some not. The Lords have so high an Opinion of the Justice of the House of Commons, that they believe Justice shall never be made use of as a Masque, for any Design. And therefore give me leave to say (tho' I am not to argue it) 'tis to me a plain Demonstration, that the Commons think these Lords innocent, and I think the Proposition is undeniable; for when there are several Lords in the same Circumstances in the same Facts, there is no Distinction: And the Commons leave some of these Men at the Head of Affairs, near the King's Person to do any Mischief if they were inclinable to it, it looks as if they thought them all innocent. This is a thing I was in hopes I should never have heard asserted, when the beginning of it was from the House of Commons.

The said Lord being here interrupted, he desired to be heard out, and that his Words might be taken down in writing: But the Managers for the Commons broke up and departed, refusing to hear any Explanation.

Now the said Lord, as to any implicit Charge of a Design to reflect on, or dishonour the House of Commons, denies any such Design or Intention; having (for many Years) had the Honour to sit in the House of Commons, and having ever had an honourable and respectful Sense thereof.

But the said Lord was let to express himself in the manner aforesaid, for the Reasons aforesaid, and takes himself to be justified therein by the Facts and Reasons following.

That the Nature of that Conference was, that it should be free. The Occasion of it, because either House apprehended the other to be in an Error; and the End of it, that each side may urge such Facts as are true, and such Reasons as are forcible to convince.

That one Article of the Impeachment against *John Lord Sommers* was, that the Treaty of Partition of 1699, was ratified under the Great Seal (which then was in the Custody of the same Lord, then Lord Chancellor of *England*.)

That the Commons, on the 1st of *April*, 1701, resolved, that the Earl of *Portland* by negotiating and concluding the Treaty of Partition, was guilty of a high Crime and Misdemeanour: And pursuant thereto, lodged an Impeachment against him in the House of Peers. Which Vote and Impeachment could

could not have reference to any Treaty (other than the Treaty of Partition of 1699.) the Treaty of 1698, not being before the House of Commons, till after the time of that Vote and Impeachment.

And yet the Earl of *Jersey*, who was then Secretary of State and Privy Counsellor, and actually signed the said Treaty of 1699, as a Plenipotentiary with the Lord *Portland*, stands unimpeached, and continues at the Head of Affairs (being Lord Chamberlain) near his Majesty's Person, and in his Presence and Councils (without Complaint.)

That the Earl of *Orford*, and the Lord *Sommers* and *Halifax*, are severally impeached for advising the Treaty of Partition of 1698.

And yet Mr. Secretary *Vernon*, who then was Secretary of State and a Privy Counsellor, and acted in the promoting the Treaty of Partition of 1698, stands unimpeached, and still continues one of the Principal Secretaries of State.

And Sir *Joseph Williamson*, who then was a Privy Counsellor, and transacted and signed the Treaty of Partition of 1698, as a Plenipotentiary, stands unimpeached.

That the Lord *Halifax* is impeached; for that he being a Commissioner of the Treasury, assented to the passing of divers Grants from the Crown, to several Persons of Lands in *Ireland*.

And yet Sir *Edward Seymour*, Sir *Stephen Fox*, and Mr. *Pelham*, who being severally Lords Commissioners of the Treasury, did severally assent to the passing of divers like Grants from his Majesty, of Lands in *Ireland*, stand unimpeached.

That in the Impeachments against the Earl of *Orford* and Lord *Sommers*, one of the Articles against them is, for procuring a Commission to Captain *William Kidd*; and likewise a Grant under the Great Seal, of the Ships and Goods of certain Persons therein named, to certain Persons in trust for them.

And yet other Lords, equally concerned in procuring the said Commission and Grant, stand unimpeached.

That the said Mr. Secretary *Vernon*, Sir *Edward Seymour*, Sir *Stephen Fox*, and Mr. *Pelham*, notwithstanding their being Parties in the same Facts charged in the said Impeachments, have been permitted to sit and vote in the House of Commons, touching the said Impeachments, and the Matter thereof.

That these Facts being true and publickly known, the Consequences resulting there from (as the said Lord *Haversham* apprehended) are undeniable, (*viz.*) that the doing of the same thing by two Persons in equal Circumstances, cannot be a Crime in one, and not in the other.

That the Commons had no Reason to insist, that the Lords should not permit that in their Members which the Commons had first permitted and continued to permit, and so begun the first Precedent in their own Members.

That it must be thought that the impeached Lords (notwithstanding the Facts alledged in the Impeachments) are innocent of Danger to the King, when the Lord *Jersey*, and Mr. Secretary *Vernon*, who were respectively concerned in the Partition-Treaties, are permitted (without Complaint) to be at the Head of Affairs, and in the King's Presence, and of his Counsels, as not dangerous.

That the Word innocent used in the Words spoken by the said Lord *Haversham* can extend no farther than to such Matters as were done by the impeached Lords of the same Nature with what was done by those unimpeached.

All

All which Facts being true, and the Consequences obvious, the said Lord being ready to prove the same; he insists that the Words spoken by him at the said free Conference were not scandalous and reproachful, nor false or reflecting on the Honour and Justice of the House of Commons; but were spoken upon just Occasion given, in Answer to several Expressions that fell from the Managers, remote (as he conceives) from the Matter in question, and reflecting on the Honour and Justice of the House of Peers: And in Maintenance and Defence of the Lords Resolution and Judicature, and conformable to the Duty he owes to the said House. And the said Lord humbly demands the Judgment of this honourable House therein.

And the said Lord *Haversham* denies, that he spoke the Words specified in the said Charge, in such Manner and Form as the same are therein set down.

And having thus given a true Account of this Matter, and it being true and indisputable, that some Lords in this House equally concerned in Facts, for which other Lords are impeached by the House of Commons, are still near the King's Person, in the greatest Places of Trust and Honour, and unimpeached: And also, that several Members of the House of Commons, equally concerned in the same Facts for which some of the Lords are impeached, do however remain unimpeached. The said Lord thinks such a Truth could never have been more properly spoken than in the Maintenance and Defence of your Lordship's Judicature and Resolutions; and insisteth, that what he said at the free Conference was not any scandalous Reproach, or false Expression, or any ways tending to make a Breach in the good Correspondence between the Lords and Commons, or to the interrupting the publick Justice of the Nation, by delaying the Proceedings on the Impeachments at that Conference, as in the said Charge is alledged: But agreeable to Truth in Discharge of his Duty, and in the Defence of the undoubted Right and Judicature of this House.

H A V E R S H A M.

21 J U N E, 1701.

The House being moved to consider what is fit to be done in relation to the Charge of the House of Commons against *John Lord Haversham*; and after due Consideration thereof, and the Lord *Haversham* desiring to be prosecuted,

It was proposed as followeth.

That the Answer of *John Lord Haversham*, to the Charge sent up against him by the House of Commons, having been sent down to that House; it is resolved by the Lords spiritual and temporal in Parliament assembled, 'That unless the said Charge shall be prosecuted against the said Lord *Haversham* with Effect, by the Commons, before the End of this Session of Parliament, the Lords will declare and adjudge him wholly innocent of the said Charge.'

Then this Question was put, Whether this Resolution shall be agreed to?

It was resolved in the Affirmative.

24 J U N E, 1701.

The Commons not having prosecuted the Charge against *John Lord Haversham*, it is this Day ordered, 'That the said Charge against *John Lord Haversham* shall be and is hereby dismissed.'

A

A true List of the TACKERS.

Of the Lords Spiritual and Temporal, and also of the Commons, who voted against the Bill of Occasional Conformity; to which also are added the Proxies.

Note, Those Persons marked thus (*) were for the Bill of Occasional Conformity.

A LIST of the Lords Spiritual and Temporal.

* Lord Treasurer
Lord President
* Lord Privy Seal

Dukes.

Leeds
Bedford
* Marlborough

Earls.

* Jersey, then L. Chamberl.
Kent
Bridgewater
* Northampton
Denbigh
* Winchelsea
* Carnarvan
* Carmarthen
* Thanet
Scarfsdale
Anglesey
Suffex
* Nottingham
* Rochester

* Abingdon
Plymouth

Viscounts.

* Weymouth
* Longueville, since dead

Barons.

* La-Ware
Chandos
Pawlet
Byron
Osborn
Dartmouth
* Stawell
* Guilford
Ashburnham
Bernard
* Weston
* Granville
* Guernsey

Bishops.

York

* London
Winchester
* Rochester
* Chester
* St. Asaph

Proxies.

Northumberland
Schomberg
Lindsey
Exeter
Sandwich
Bishop of Durham
Bishop of Landaff
Bishop of Exeter
Willoughby of Brook
Brook
Maynard
Leigh
Craven
Lemster
Gower
Conway

In all 58.

Against the Bill.

Dukes.

Devonshire
Somerset
Richmond

Southampton
St. Albans
Bolton
Newcastle

Earls.

Derby
Leicester
Bolingbroke

Man-

Manchester
Rivers
Peterborough
Stamford
Sunderland
Essex
Feverham
Radnor
Berkley
Portland
Torrington
Scarborough
Bradford
Rumney, *since dead*
Oxford

Viscounts.

Say and Seal
Townsend

Barons.

Abergavenny
Ferrers

Wharton
Paget
Howard of Escrick
Grey of Wark
Lovelace
Mohun
Vaughan
Colepepper
Lucas
Buckingham
Berkley
Cornwallis
Ossulston
Herbert
Haversham
Somers
Hallifax

Bishops.

Canterbury
Worcester
Salisbury
Ely

Litchfield
Norwich
Peterborough
Lincoln
Chichester
Oxford
Bangor

Proxies.

Suffolk
Carlisle
Dorset
Burlington, *since dead*
Mountague
Coventry
Fitzwalter
Eure
Willoughby of Parham
Bishop of Hereford
Bishop of Gloucester
Bishop of Bristol

In all 78

The Question being carried for rejecting the Bill, the following Peers thus (*) marked entered their Dissent.

Godolphin
Rocheſter
Buckingham
La-Ware
Thanet
Northampton
Marlborough
Wincheſtea.

Nottingham
Abingdon
Longueville
Weymouth
Guilford
Granville
Guernſey
Jerſey

Weſton
Carnarvan
Carmarthen
Stawell
H. London
G. St. Aſaph
N. Ceſtrien.

A LIST of thoſe worthy Patriots, who, to prevent the Church of England from being undermined by the Occaſional Conformiſts, did, like truly noble *Engliſhmen*, vote for the Bill to prevent Occaſional Conformity.

Names.	Places.
John Anſtis, Eſq;	St. Germain
James Andreton, Eſq;	Ulceſter
Arthur Anneſley, Eſq;	Cambr. Univerſity
Sir Edward Acton, Bart.	Bridgenorth

County.
Cornwall
Somerſet
Cambridge
Salop

Thomas

Names.	Places.	County.
Thomas Bulkley, Esq;		Carnarvan
Robert Byerley, Esq;	Knareborough	York
Robert Bertie, Esq;	Westbury	Wilts
Henry Bertie, Esq;		
Charles Bertie, Esq;	Stamford	Lincoln
James Bertie, Esq;	New Woodstock	Oxon
Sir Edmund Bacon, Bart.	Orford	Suffolk
Sir Charles Blois, Bart.	Dunwich	Suffolk
John Bence, Esq;	Ipswich	Suffolk
— Bilson, Esq;	Petersfield	Southampton
Sir Jacob Banks	Minehead	Somerset
William Bromley	Oxon University	Oxon
Sir Geo. Beaumont, Bart.	Leicester	Leicester
Orlando Bridgeman, Esq;	Wiggan	Lancaster
Sir Cha. Barrington, Bart.		Essex
Sir Henry Bellafys	Durham City	Durham
John Banks, Esq;	Corfe Castle	Cornwall
Sir Henry Bunbury, Bart.	Chester	Chester
Richard Bingham, Esq;	Bridport	Cornwal
James Buller, Esq;		Cornwal
William Cage, Esq;	Rocheſter	Kent
William Cary, Esq;	Launceſton	Cornwal
John Courzon, Esq;		Derby
Thomas Coulſon, Esq;	Tatneſs	Devon
Arthur Champneys, Esq;	Barnſtable	Devon
John Comyns, Esq;	Malden	Essex
Charles Ceſar, Esq;	Hertford	Hertford
Robert Crawford, Esq;	Queenborough	Kent
William Cecill, Esq;	Stamford	Lincoln
Sir Walter Clarges, Bart.	Westmiſter	Middleſex
William Coward, Esq;	City of Wells	Somerset
Henry Chyvers, Esq;	Calne	Wilts
Sir Thomas Caſſin, Kt.		Dorſet
Sir William Drake	Honiton	Devon
George Daſhwood, Esq;	Sudbury	Suffolk
John Drake, Esq;	Agmondeſham	Bucks
Lewis Dimmocke, Esq;		Lincoln
Richard Dyott, Esq;	Litchfield	Stafford
Earl of Dyſert		Suffolk
Sir Robert Davers	St. Edmondsbury	Suffolk
James Darcy, Esq;	Richmond	York
Sir James Etheridge	Great Marlow	Bucks
William Elſon, Esq;	Chicheſter	Suffex
Richard Fowne, Esq;	Corfe Caſtle	Dorſet
William Fitch, Esq;	Malden,	Essex
Ralph Freeman, Esq;		Hertford

<i>Names.</i>	<i>Places.</i>	<i>County.</i>
Heneage Finch, Esq;	<i>Maidstone</i>	<i>Kent</i>
Charles Fox, Esq;	<i>New Sarum</i>	<i>Wilts</i>
Sir Samuel Garerd, Bart.	<i>Agmondesham</i>	<i>Bucks</i>
Henry Gorges, Esq;		<i>Hereford</i>
Richard Gulston, Esq;		<i>Hertford</i>
John Gape, Esq;	<i>St. Albans</i>	<i>Hertford</i>
Sir William Glyn, Bart.	<i>New Woodstock</i>	<i>Oxon</i>
Francis Gwin, Esq;	<i>Christ-church</i>	<i>Southampton</i>
Joseph Girdler, Esq;	<i>Tamworth</i>	<i>Stafford</i>
Thomas Gery, Esq;	<i>Coventry</i>	<i>Warwick</i>
Francis Grevile, Esq;	<i>Warwick</i>	<i>Warwick</i>
Algernoon Grevile, Esq;	<i>Ipswich</i>	<i>Suffolk</i>
Frederick Hern, Esq;		
Nathaniel Herne, Esq;	<i>Hardness</i>	<i>Devon</i>
Richard Halford, Esq;		<i>Rutland</i>
Henry Holmes, Esq;	<i>Yarmouth</i>	<i>Norfolk</i>
Thomas Heath, Esq;	<i>Haslemere</i>	<i>Surrey</i>
Sir Christoph. Hales, Bart.	<i>Coventry</i>	<i>Warwick</i>
Sir Richard Howe, Bart.		<i>Wilts</i>
Sir James Howe, Bart.	<i>Hindon</i>	<i>Wilts</i>
Robert Hyde, Esq;		<i>Wilts</i>
William Harvey, Esq;	<i>Rygate</i>	<i>Surrey</i>
Sir Tho. Hanmer, Bart.		<i>Flint</i>
Sir Willoug. Hickman, Br.	<i>East Retford</i>	<i>Nottingham</i>
John James, Esq;	<i>Brackley</i>	<i>Northampton</i>
Sir Rob. Jenkinson, Bart.		<i>Oxon</i>
Robert Kemp, Esq;	<i>Dunwich</i>	<i>Suffolk</i>
Wilfred Lawson, Esq;		<i>Cumberland</i>
Sir Francis Leigh		<i>Kent</i>
Tho. Leigh, of Lime, Esq;	<i>Newton</i>	<i>Lancaster</i>
William Levinz, Esq;	<i>East Retford</i>	<i>Nottingham</i>
Henry Lloyd, Esq;	<i>Cardigan</i>	<i>Cardigan</i>
Sir Roger Mostyn, Bart.		
Thomas Mostyn, Esq;		<i>Chester</i>
Henry Manaton, Esq;		<i>Flint</i>
John Manley, Esq;	<i>Tavistock</i>	<i>Devon</i>
Sir John Mordaunt, Bart.	<i>Bossiney</i>	<i>Cornwal</i>
Sir Humph. Mackworth		<i>Warwick</i>
John Mitchell, Esq;		<i>Cardigan</i>
Sir Edward Norreys	<i>Sandwich</i>	<i>Kent</i>
Francis Norreys, Esq;		<i>Oxon</i>
Charles North, Esq;	<i>Oxon City</i>	<i>Oxon</i>
Hugh Parker, Esq;	<i>Banbury</i>	<i>Oxon</i>
Sir John Packington, Bart.	<i>Evesham</i>	<i>Worcester</i>
Sir Henry Parker		<i>Worcester</i>
Granado Piggot, Esq;	<i>Ailsbury</i>	<i>Bucks</i>

<i>Names.</i>	<i>Places.</i>	<i>County.</i>
William Pole, Esq;		Cambridge
Henry Poley, Esq;	Camelford	Cornwal
James Praed, Esq;	Westlow	Cornwal
Thomas Price, Esq;	St. Ives	Cornwal
Thomas Polgrave, Esq;	Weobley	Hereford
Henry Portman, Esq;	Norwich	Norfolk
Sir John Parsons	City Wells	Somerset
Henry Pennel, Esq;	Rygate	Surrey
Rohn Roll, Esq;	Wotton Bassett	Wilts
Thomas Rowney, Esq;	Salisbury	Cornwal
John Snell, Esq;	Oxon City	Oxon
Sir Edw. Seymour, Bart.		
Sir John Stonehouse, Bart.	Exeter	Devon
Peter Sackerley, Esq;		Berks
Charles Seymour, Esq;	Chester	Chester
Sir Hen. Seymour, Bart.	Westlow	Cornwal
William Seymour, Esq;	Eastlow	Cornwal
Francis Scobel, Esq;	Totness	Devon
Joseph Sawle, Esq;	Grampound	Cornwal
John Spark, Esq;	Tregony	Cornwal
Hugh Smithson, Esq;	Newport	Cornwal
William Stephens, Esq;		Middlesex
Sir Bryon Stapleton, Bart.	Medena	Southampton
Bertram Stote, Esq;	Boroughbridge	York
Tho. Strangeways, Esq;		Northumberland
Henry Thyn, Esq;		Dorset
Sir Edward Turner	Weymouth	Devon
Sir John Thorold, Bart.	Orford	Suffolk
John Toke, Esq;		Lincoln
Sir Richard Vivian, Bart.	East Grimstead	Suffex
George Vernon, Esq;		Cornwal
John Vaughan, Esq;	Haslemere	Surrey
Edward Vaughan, Esq;	Montgomery.	Montgomery
Sir Geo. Warburton, Bart.		Montgomery
Sir John Williams		Chester
John Ward, Esq;		Hereford
James Winstanley, Esq;	Bleechingly	Surrey
Sir William Whitlock	Leicester	Leicester
Leonard Wyffel, Esq;	Oxon University	Oxon
		Surrey

The Character of a Tacker. To which is added, The Character of an Anti-Tacker. By the same Hand. 1705.

The Character of a Tacker.

TACKERS in general are a Sort of Animals sprung from the Corruption of King *James's* evil Government, and carrying two Shapes in one Body, like a Centaur, or the *Irish* Virgin with a Fish in her Tail, half Protestant, half Papist.

A Tacker loves Grandeur, but little of Nobility; for that would teach him to ascend to Greatness by other Steps than that of his Country's Ruin.

A Tacker is the oddest Courtier in the World, to worship a Setting Sun (I mean, the *French* Tyrant) and that in his Winter Quarter too, when he can never expect to rise again, but he must be surrounded with Mists and Fogs, Storms and Tempests, which his Warmth will never be able to disperse.

A Tacker is a Sort of soaring Politician, that sins against all the Prospect of Sense and Reason in the Earth.

A true Tacker is a true *Jefferies*; that is to say, an abandoned Slave to the Popish Religion.

The looser Tacker is a Person wholly addicted to his Pleasure, that measures his Felicity by his Passions; having therefore experienced the Remissness of King *James's* Reign, like Ivy to a Steeple, he clings to his Misgovernment, as being that which allowed him the full Swing of his Licentiousness; and rather chuses with Swine to wallow in the Mire of voluptuous and libertine Bondage, than breathe the Air of Freedom within the limited Impalements of the Law. As for the female Tackers (for there are She, as well as He Tackers) they think it a great Piece of Ingratitude to forsake a Religion (for the female Tackers are generally Papists) which has been so kind as to canonize so many of their Sex, and gives them so easy an Absolution from their pleasing Transgressions; for a female Tacker cares not that her Conscience should be heavier than her Fan; and therefore chuses that Profession that lays the least Weight upon it. By such a Separation as this, of the Goats from the Sheep, it may be easy to give a true Judgment of the Tacker's Cause in general, by the Favourers of it, and to see what Sort of Persons they are that seek for Shelter under the Wings of Tyranny and Popery: And on the contrary it may be with no less Clearness discerned who are the Asserters of the Kingdom's Welfare, and the Safety of the Protestant Religion, under the happy Auspices of Queen *Anne*, the best of Queens, and best of Women. But to be a little more particular in the Tacker's Character.

A Tacker is one that fishes for popular Applause with godly Books, that he may not be suspected in his Endeavours at the Ruin of his Country. A Tacker

is one, that while he joins with *Sacheverel* to justify the *Short Way with the Dissenters*, pleads Privilege by sitting in, &c. A Tacker is one, that having got an Estate by stockjobbing of Shares, hopes to make it complete by selling the Nation by wholesale. A Tacker is one, that being chose by the People to establish new Laws, holds they have no Power to depute him to make any. A Tacker is one, that being chose to guard Liberty and Property, holds that we have no Right to either, longer than it pleases the Prince. A Tacker is one sent to make Fences against Popery, yet thinks he is obliged to restore its Dominion. A Tacker is one that seeks for a Trust, that he believes is bound to betray. A Tacker is the motley Spawn of the nonjuring Clergy, and with a pious Supererrogation, damns himself with Oaths, which he takes to destroy. A Tacker is one, whose Zeal for his Church, shakes Hands with the Devil; and for Fear of *Geneva*, joins the Jesuit and *Turk* to oppose it. A Tacker is one that maintains that we had better unite with a Church we differ from in Fundamentals, than from one we dissent from only in Circumstantials. A Tacker is one that holds that Popery, which is condemned by our Laws, is more eligible, than Presbytery, which our Law allows. A Tacker is one, that to get the Church of *England* an imaginary Security, would put the Nation into a Ferment by fomenting Divisions. A Tacker is one, that under Pretence of uniting her Majesty's Subjects, would take away all Means of Union among them. A Tacker is one, that under Pretence of establishing the Daughter, asserts and promotes Principles that destroyed the Father and Grandfather. A Tacker is one, that under Pretence of being a Friend to our Constitution, would render one Part of no Use by Tacking. A Tacker is one, that asserts the Prerogative by opposing the declared Will and repeated Desire of the Queen. A Tacker is an *Englishman* with an Heart entirely *French*; and while his grand Monarch is not able to resist our Forces Abroad, endeavours to do his Business, by our Divisions at Home. A Tacker is one, that votes large Supplies, on purpose to make them of no Effect, by clogging them with irregular Tackings, long before declared against. A Tacker is one, that under Pretence of being the truest Son of the Church, would render her an Enemy to, and incompatible with the State. A Tacker is a *Jacobite* in Disguise, who having refused the Oaths all the late Reign, took them only in this, to destroy it. A Tacker is one that is Fool enough to believe (if Absurdities are properly the Objects of Faith) that the supposed Son of the late King *James* has a divine Right to be King of *England*; and is Knave enough to take a solemn Oath to a contrary Government, and in the Presence of God, to abjure this divine Right, that he may get into the Legislature, and embroil our Affairs, to establish it. A Tacker is one that writes and brawls for our Laws and Liberties, that he may make us what he thinks we all ought to be, Slaves; and if he cannot to a domestic, he may to a foreign Power. A Tacker is one that makes Use of Liberty of Speech to destroy those Laws that secure it. A Tacker is one, that while he would have all Mankind, but Kings, Beasts of Burthen, is so himself *ex confesso*; and therefore as he owns himself to be a Beast, ought to be used like one by all true *Englishmen*, and justly excluded from that Religion and Property, which he declares we have no Right to. A Tacker, in fine, is one who denying that we ought

ought to live by Law, ought by his own Rule to be hanged without Law.—
And so there is an End of the Tacker.

The Character of an Anti-Tacker.

THE Anti-Tacker is the Reverse of the Tacker, and their Characters are Counterparts to each other. He is a sincere Friend to the present Government, and the Protestant Succession; as the other is a professed Enemy to both: He hates Popery, and Church Papists, as he would so many Toads; he is a true Lover of Liberty and Property, and does his utmost to keep the Act of Toleration inviolate. He sends neither Provision nor Ammunition to the *French* Fleet, nor does he waste his Estate by buying Horses to mount the *French* Cavalry. He is one who attempts to heal the Breaches at Home, and cut off the Hopes which the common Enemy has conceived from our Division. He is one that has no Manner of Loyalty left within him for the Prince at *St. Germain's*; he would venture his Life and Fortune very freely, for the Good of the Common Cause; one who dares, *Pro Patria mori*: He hates Persecution upon the Score of Conscience, and would not have vast Sums raised, for the public Service by chusing Dissenters into Offices, and then fining them for refusing. He thinks fifty Pounds is too great a Forfeiture in all Reason for serving God according to his own Appointment, and for putting his Head once into a Meeting. He has a tender Regard to every Paragraph of her Majesty's most gracious Speech to her two Houses of Parliament, and he would not put a Stop to the publick Business while Dissenters are turned out of Offices. He loves good Men of whatever Persuasion, and hates a designing Knave of what Denomination soever. In short his Heart is truly *English*, and he knows no Enemies but the Devil, the Pope and the *French* King, and their Adherents. He is a Friend to the Memory of the late King *William*. He is loyal to Queen *Anne*, prays for her Life and Government, and he takes the Act of Settlement to be our best Security against Popery, and the Designs of *Lewis*. He takes those to be Enemies of the Reformation who would have us unite with the *Gallican* Church, and that they should abate the papal, and we the regal Supremacy. Lastly, he is no Tacker, and that is enough to make him stand fair for the next Election to the ensuing Parliament.

A CAT may look upon a KING. Printed in the
glorious Year 1714.

The INTRODUCTION.

THE unparalleled Transactions of these our late Times have raised in me such a Confusion of Thoughts, that I resolved to look back; as a Man that is stunned with a Stone looks not after the Stone, but after the Hand that flung it.

And

And surely I find (by the Help of my Spectacles) King *James* was the Fountain of all our late Afflictions and Miseries.

It hath been a Custom among our flattering Priests (for I know none else used it) upon Mention of deceased Princes, to use the Expression *Of blessed Memory*; and so I believe have used it, ever since *William* the Bastard of *Normandy* overran this Kingdom: Which begat another Itch in me, to search the Lives of all our Kings since him, to see if any of them had deserved that reverend Remembrance. And first for

King *William* the Conqueror.

I Know no better Testimony of him than out of his own Mouth, lying upon his Death-bed: His Words take as follow;

‘ The *English* I hated; the Nobles I dishonoured, the Commons I cruelty vexed, and many I unjustly disinherited: In the County of *York*, and sundry other Places, an innumerable Sort with Hunger and Sword I slew; and thus that beautiful Land and noble Nation I made desolate with the Deaths of many thousands.

William Rufus.

THIS King did not only oppress and fleece this Nation, but rather with importunate Exactions did as it were flay off their Skins. His chiefest Consorts were effeminated Persons, Ruffians, and the like; and himself delighted in continual Adulteries, and Company of Concubines, even before the Sun. None thrived about him, but Treasurers, Collectors, and Promoters: He sold all Church-Preferments for Money, and took Fines of the Priests for Fornication.

Hunting in that most remarkable New Forest, *Walter Tyrrel* shot him to the Heart with an Arrow out of a Cross-bow, whether of Purpose or not, is no great Matter.

Henry I.

IS branded with Covetousness and intolerable Taxations; and Cruelty upon his elder Brother, whom he kept in perpetual Prison, and put out both his Eyes; and for his most excessive Lechery, leaving behind him fourteen Bastards.

King *Stephen.*

INFAMOUS for Perjury; a Hater of this Nation, whom he durst never trust, but oppressed this Land with Strangers, notwithstanding that he had received the Crown upon Courtesy; dies, and leaves behind him two Bastards.

Henry II.

NEVER such a horrid Extractor of Monies from the Subjects, as this King; and is infamous for Perjury, Jealousy, and Lechery; curses all his Children upon his Death-bed, and so dies, leaving three Bastards.

Richard

Richard I.

RAKED more Money by unparalleled Taxes upon this Nation, than any King before him : His Voyage to the *Holy-Land* pared them to the Bones by many unjust Ways ; but his unlucky Return quite ruined it : He dies by a poisoned Arrow, and leaves two Bastards.

King John.

OF this King we cannot reckon so many Impieties as he had : Unnatural to his own Blood, to the Wife of his Bosom ; bloody to Nobility and Clergy ; Perjury, often swearing, but never kept his Word ; betrays the Crown and Kingdom to the Pope, and rather than want his Will to ruin both Church, Nobles, and the whole Nation, sends Ambassadors to a Moor, a mighty King in *Africa*, to render unto him this Kingdom of *England*, to hold it from him as his sovereign Lord, to renounce *Christ*, and receive *Mahomet*. In the Heat of his Wars with the Nobility, Gentry, and Commons of this Land, repairs to the Abbey of *Swines-head*, where he is poisoned, and leaves behind him three-Bastards.

Henry III.

ACHIP of the old Block ; for no Oath could bind him ; jealous of the Nobility, brings in Strangers, despiseth all Counsel in Parliament, wastes all the Treasure of the Kingdom in civil Wars, sells his Plate and Jewels, and pawns his Crown.

Edward I.

GOVERNED his Will by his Power, and shed more Blood in this Kingdom, than any of his Fore-runners ; counted his Judges as Dogs, and died as full of Malice as he lived full of Mischief.

Edward II.

AMAN given to all Sorts of unworthy Vanities, and sinful Delights : The Scourge and Disgrace of this Nation in *Scotland*, against a Handful of Men, with the greatest Strength of *England*. After so many Perjuries about his Favourite *Gaveston*, and Slaughter of the Nobility, he is deposed and murdered.

Edward III.

TO his everlasting Stain of Honour, surrenders by his Charter, his Title of Sovereignty to the Kingdom of *Scotland* ; restores the Deeds and Instruments of their former Homages and Fealties, though after the *Scots* paid dear for it, to supply his Want. Whatsoever he yielded to in Parliament, was for the most part presently revoked : And in that Parliament which was called the Good, they desire the King, having abundantly supplied his Wants, to remove

move from Court four Persons of special Prejudice to his Honour and the Kingdom's, with one Dame *Alice Piers*, the King's Concubine, an impudent, troublesome Woman: But no sooner ended this Parliament, having gotten their Monies, but those four forbidden return to Court, and their wonted Insolencies. The Speaker, who had presented the Kingdom's Grievances, at the Suit of *Alice Piers*, is committed to perpetual Imprisonment.

Richard II.

IT is said of this King, he spared neither the Dignity, nor the Life of any that crossed his Pleasure; spared neither lewd Example, nor vile Action, to follow cruel Council. A Man plunged in Pleasure and Sloth; in his private Counsels would alter whatsoever the Parliament had settled; neglects his Debts; prodigal to Strangers; destroys the Nobility; and for his Hypocrisy, Cruelty, Perjury, and Tyranny, is deposed and murdered at *Pomfret-Castle*.

Henry IV.

SO true is that Distych translated out of *Suetonius*:

*Who first exil'd, and after crown'd,
His Reign with Blood will much abound.*

For after he had murdered his Predecessor, nothing took up this King's Reign, but Ruin and Blood upon the Nobility and Gentry of this Kingdom, with such unsufferable Taxes as never were before, nor since.

Henry V.

THIS King reigned about nine Years and a half, all which Time our Stories mention nothing but his Wars, raising of Monies, and spending the Blood of this poor Nation.

Henry VI.

AND

Edward IV.

WERE two Men, born as it were for Ruin, Blood, and Misery to this Kingdom; whose Lives and Actions no Man can read with Patience: That so much Treasure and so many Lives should be spent and lost, to maintain the Ambition, Luxury, Pride, and Tyranny of but two Men, in so many set Battles fought in the Bowels of this Kingdom. *Henry* was stabbed with a Dagger by the Duke of *Gloucester* in the Tower. *Edward* died at *Westminster*, and left behind him two Bastards, and a miserable Whore *Jane Shore*.

Richard III.

A Monster of Lust and Cruelty; whose Murders, too many to be here repeated, are at large set down in our Chronicles, with his Attempts of Rape and Incest. So perfect he was in Villany and Hypocrisy, that he would
always

always use most fair Language, and shew greatest Signs of Love and Courtesy to that Man in the Morning, whose Throat he had taken Order for to be cut that Night; and was the first I read of in our Stories, that ever used that Oath, *God damn me.* He was slain at *Bosworth-field*; his Body stark naked, and mangled, besmeared with Blood and Dust, was brought upon a Horse to *Leicester*, where, for a Spectacle of Hate and Scorn, he lay two Days unburied.

Henry VII.

THIS King, my Lord of *Verulam* hath washed his Face so clean with good Language, that without a near Approach, he is hardly discovered: But surely I find no Right he had to the Crown, more than the Consent of the People, which was not then in Fashion; whom he never durst trust neither, his Heart continually burning to destroy all Sparks of the right Blood, and their Abettors. How was the Lord Chamberlain's Life juggled away for his Thoughts, and his Estate, which was so considerable, with many more of our Nobility? And for that Story of *Richard Duke of York*, Son to *Edward IV.* under the Name of *Perkin Warbeck*, I do as verily believe he was the said Duke of *York*, as I believe *Henry VIII.* was the Son of this *Henry VII.* the Circumstances being so pregnant from so many Persons of Honour; but nothing more confirms me in it, than this King's indefatigable Pains and most infinite Cost to get him, and ruin him, and with him the harmless Earl of *Warwick*, the one beheaded, the other hanged at *Tyburn*; and surely though this King did far excel all his Predecessors in Craft, yet was he as guilty of Cruelty and Blood as the worst of them; nor can all the Water in the Sea wash from him those two monstrous Sins of Avarice and Ingratitude.

Henry VIII.

TO say much of him, were to make you surfeit; Sir *Walter Rawleigh's* Testimony of him is sufficient. If all the Pictures and Patterns of a merciless Prince were lost in the World, they might all be painted again to the Life out of the Story of this King: His vast Expence of Treasure, and profuse Bloodshed, made this Kingdom look with a ghastly Face; and to express him fully, this remains of him to Everlasting, *That he never spared Man in his Anger, nor Woman in his Lust.* I do none of them Wrong, for thus I find them branded to my Hand by public Records: And surely this puts me in Mind of a Story I have heard in *Spain*: A Friar preached before Don *Pedro* the King, surnamed *The Cruel*, took his Text which invited him to extol regal Dignity to its highest Pitch, often saying, *Few Kings went to Hell*; but in the Close of his Sermon, said, *You may, peradventure, wonder that I so often tell you, That few Kings go to Hell: Marry! the Reason is, there are but few Kings, for if there were more, they would go all to the Devil.*

Of all these our Kings, I would know which was *Of blessed Memory*, who ruled by Blood, Oppression, and Injustice upon this Nation, in Contempt of God and Man.

Now, if any Man ask why I have curtailed the Lives and Persons of these thus? I answer, that the common People of this Kingdom, who cannot attend

to read Chronicles, may see their *Jus Divinum*. Next, if any Man ask, why I make such Mention of their Bastards? I answer, only to let the World see what Foundation these six and twenty Bastards have laid for Honourable, Noble and Right Worshipful Families of a long Continuance, which have been maintained by the Blood and Treasure of this oppressed Nation. If why I mention not *Edward V.* and *Edward VI.*? I say they were Children, and so died, affording no Matter for this present. If why I omit *Queen Mary*, and *Queen Elizabeth*? I answer, I have nothing to do with Women, and I wish I never had. But I must not make the Door bigger than the House; and so I address myself to *King James*.

King James.

TO write the Life and Reign of this King, requires a better Bookman, and a better Penman: That which I have to observe, is only to render him as great a Tyrant as any of the rest; for though his Fearfulness kept him from Wars and Blood, yet as much as was in his Power, he laid as many Springs to enslave this Nation as ever any; his Will was the sole Rule of his Government; nor had the People any thing to act but submissive Obedience. His first Work was to found the Prelates and Nobility, whose Ambition and Corruption he found suitable and serviceable to his Intentions; and it was their Infusion, so agreeable to his Disposition, that made him carry himself so majestically to the Parliament of *England* (a Power he might justly fear to offend) but their Counsels, though they then served his and their Ends, came upon them like a Storm; the one voted down Root and Branch, the other voted useless and dangerous.

The King brings with him a general Peace with all Christendom, not considering the particular Interest of this Nation, whether it were honourable or safe, as the Affairs of *England* then stood, his Predecessor having taken upon her to be Head, and Protectress of the Protestant Party wheresoever: But he had his Ends to himself. First he had heard how many and how often Attempts had been used to take away the Life of *Queen Elizabeth*, whom God notwithstanding preserved and protected, by the Diligence of her Servants; but he would rather trust to his Craft, than to God's Providence.

Then having taken away all Thought of Wars, his Design was to luxuriate the People, that so he might more insensibly lay that Foundation of Tyranny he intended.

And now comes tumbling in monstrous Excess and Riot, which consumed many good Families, and more good Hospitality, formerly the Glory both of our Nobility and Gentry; with an incredible Increase of Taverns and Bawdy-houses, for which too we are to this Day beholden to the *Scots*.

And with this King, and this Peace, came the greatest Plague that ever this Kingdom felt before his Time; as if God had told us from Heaven we had deserved it, by betraying ourselves; and which was but a light forerunning Punishment, in respect of what in Time should follow; and yet peradventure that Plague was but a Shadow of himself, the greater.

The

The Kingdom could not afford more Pomp and Glory, than was shewn when King *James* came first through *London*; and it was so much the more considerable as to him, that from a nasty barren Country (rather a Dunghill than a Kingdom) he came to be at that Instant as great a Prince as any in Christendom: And indeed, it was the Wonder of those Statesmen, who had had Experience of the Gallantry of this Nation, that a *Scot* should enjoy this Crown without Resistance. If the Temper of these our Days had then, as now, taken Head, we had saved much Blood, much Money, and in all likelihood been long since settled to such a happy State as we are just entering upon.

Long had he waited for the Death of Queen *Elizabeth*; but longer had they waited, that waited upon him: For had not their Hopes as well as his expected their Shares of Spoils of this Kingdom, we may without doing any Wrong to that Nation, conclude him in the Fate of his many Predecessors, whom they murdered. His Stock was odious to the more ancient Nobility of that Nation; and the Cloak of the Kirk would have served without Scruple for such a fatal Covering, as the Grand Signior uses to send Men doomed to Death.

His original Extract I find was this:

Banchoo, a Nobleman of *Scotland*, had a fair Lady to his Daughter, whom *Mackbeth* the King desires to have the Use of; *Banchoo* refuses, and *Mackbeth* murders him, and takes the Lady by Force.

Fleance, the Son of *Banchoo*, fearing the Tyrant's Cruelty, flies into *Wales*, to *Griffin ap Lbewellin*, the Prince of *Wales*: *Lbewellin* entertains him with all hospitable Civility. *Fleance*, to requite his Courtesy, gets *Lbewellin's* Daughter with Child: *Lbewellin* murders *Fleance*, and *Lbewellin's* Daughter is afterward delivered of a Son named *Walter*; this Son proves a gallant Man, and falling out with a noble Person in *Wales*, that called him Bastard, *Walter* slew him, and for his Safeguard fled into *Scotland*, where in Continuance of Time he gained so much Reputation and Favour, that he became Steward of the whole Revenue of that Kingdom, of which Office, he and his Posterity retained the Sirname, and from whence all the Kings and Nobles in that Nation of that Name had their Original; here is a goodly Foundation!

For his Person, a Man might sufficiently and truly make up a Volume, only to tell of his Laziness, and his Uncleanesses; but I cannot do it without fouling too much Paper.

He was a great Pretender to Learning and Religion, and for the speculative Part, had as much as any of our Kings upon Record; but for the practical, and best Part of it (if we may judge of the Tree by the Fruit) we may without Breach of Charity conclude him not guilty: He was the greatest Blasphemer in the World; swear faster than speak, and curse the People by the Clock: And it appears by the whole Course of his Life, that he was a most malicious Hater of this Nation.

The King was naturally fearful, even as low as could be; and what he would do, and durst not own, that he would do by his Favourites, whom, for the Fitness of his Designs, he would raise from low Degree, to oblige them the more, and to desert them with more Ease, and shift them often, till he had them fitted to his Purpose.

Dunbar was too solid, *Hayes* too light, *Northampton* too crafty, *Montgomery* too silly (here is two *English*, two *Scots*, all deserted.) And now he hath found a young *Scot*, that had been one of his young Pages in *Scotland*, and turned off with fifty Pounds in Money and Cloaths, to seek his Fortune; having spent his Time and his Means in *France*, comes over hither, and for his Fashion and Language, is entertained by his Countryman, then Lord *Hayes* (another *Scot* of the like Extract) for a Page, where the King takes Notice of him, calls for him, and at the first Dash makes him one of the Bed-Chamber, and suddenly his Favourite, and Knight Sir *Robert*, then Viscount *Rocheſter*, and after Earl of *Somerſet*. This Man the King had wound up to his juſt Pitch, of whom we may juſtly ſay, *Trim tram, like Maſter like Man*. When this Man had long wallowed in his Maſter's Bounty, and the Treasures of this Kingdom, he fell the fouleſt that ever Man did, upon the Rocks of Diſhonour, Adultery and Murder: Of Diſhonour, to a noble Peer of this Land, and in him to the whole Nobility: Adultery, not only to bewhore her, but to get her divorced, and marry her. And Murder, upon the Body of that unfortunate Gentleman Sir *Thomas Overbury*, only for diſſuading him.

And here it is much to our Purpose to infer, how this Favourite's Carriage had highly offended Prince *Henry*, who underſtanding the looſe Kind of Life this Man lived, eſpecially relating to her, diſtaſtes him, diſreſpects him, and forbears his Company, and flatly falls out with him. *Somerſet* complains to the King: Shortly the Prince falls ſick, and dies. That he was poiſoned, hath been a common Fame ever ſince: But to ſnuff the Candle, and make it burn clear, take the Teſtimony of theſe famous Phyſicians, that diſſected his Body, and have left it upon Record under their Hands.

The Diſſection of the Body of Prince *Henry*.

Firſt, We found his Liver paler than ordinary, in certain Places ſomewhat wan; his Gall without any Choler in it; and diſtended with Wind.

Secondly, His Spleen was in divers Places more than ordinary black.

Thirdly, His Stomach was in no Part offended.

Fourthly, His Midriff was in divers Places black.

Fifthly, His Lungs were very black, and in divers Places ſpotted, and full of a thin watery Blood.

Laſtly, The Veins in the hinder Part of his Head were fuller than ordinary; but the Ventricles and Hollowneſs of the Brain, were full of clear Water.

In Witneſs whereof, with our own Hands, we have ſubſcribed this preſent Relation, November 7, 1612.

MAYERN, PALMER,
ATKINS, GIFFORD,
HAMMOND, BUTTER.

This Prince was an active Man, and full of high Thoughts; a Lover of this Nation, and looked upon by them with much Affection and Expectation. What Fears and Jealouſies *Somerſet* might maliciously infuſe into the King's too fearful

fearful and timorous Soul, we cannot tell : But that Language from *Somerſet* to the Lieutenant of the *Tower*, when he told him he muſt provide himſelf to go the next Morning to *Weſtminſter* to his Trial, ſaid, *He would not : That the King had aſſured him, he ſhould not come to any Trial, neither durſt the King bring him to any Trial.* This Language, I ſay, ſtinks abominably. And when he did come to his Trial, fearing (being enraged) that he might fly out into ſome ſtrange Diſcovery, there were two Men placed on each Side of him with Cloaks on their Arms, with peremptory Command, That if *Somerſet* did any Way fly out againſt the King, they ſhould inſtantly hoodwink him with their Cloaks, take him violently from the Bar, and carry him away ; and this could be no Man's Act but the King's. He would often boaſt of his King-craft ; but if his Fears, and *Somerſet's* Malice took this Prince's Life away, it was a ſweet Piece of King-craft indeed, but the Fruit of it hath been bitter.

I cannot enough admire that Language he uſed, when he gave in Charge to the Judges the Examination of *Sir Thomas Overbury's* Murder.

My Lords,

I Charge you, as you will answer it at that great and terrible Day of Judgment, that you examine it ſtrictly, without Favour, Affection, or Partiality : And if you ſhall ſpare any guilty of this Crime, God's Curſe light upon you and your Poſterity ; and if I ſhall ſpare any that are found guilty, God's Curſe light on me and my Poſterity for ever.

This Expreſſion has a moſt honeſt Outſide : But if the King had a Deſign of Fear, rather to be ſo rid of *Somerſet*, than an inward Deſire of Juſtice, it was monſtrous foul ; which we ſhall better judge of by the Sequel.

Seven Perſons were by the Judges condemned to die for this foul Murder ; four of them of the leaſt Account, and Accessaries, are executed ; the three great Ones, and Principals, the King pardons ; and to *Somerſet* himſelf, to his dying Day, was moſt profuſely liberal, and ſuffered to live with that Firebrand of Hell his Wife, under the King's Noſe, all the Days of their Lives.

Here's fine Juggling ! Theſe muſt be ſaved, for Fear of telling *Scotch* Tales of the King. Would the Spirits of thoſe noble Souls of theſe our Days, put up ſuch a Piece of Injuſtice in the Maſter, and ſuch an Affront and Contempt of this Nation, both from the Maſter and the Man (two *Scots*) without Vengeance ? I believe not.

And this Favourite of his, when his Eſtate was ſeized upon for this foul Murder, was found to have two hundred thouſand Pounds in Money, Plate and Jewels, in his Houſe ; and nineteen thouſand Pounds a Year in Lands coming in ; a fine Advance from a *Scot's* Page, fifty Pounds, and a Suit of Cloaths ! (and can any Man tell for what ?) I never heard that all *Scotland* was worth ſo much ; but enough of him.

This King had no Wars ; but ſpent more Money prodigally, profuſely and riotouſly, than any of his Predeceſſors.

What Swarms of *Scots* came with him, and after him, into this Kingdom ? Who perpetually ſucked him of moſt vaſt Sums of Money, which ſtand yet upon Record ; which put him upon all diſhonourable Ways of raiſing Monies,

to the most cruel Oppression of this Nation, to serve their Riot and Luxury; the Truth of which was then, and is undeniable: Though they lived a while at such a Height, yet they died like themselves, contemptible, miserable Beggars; and at this Day scarce one of them can shew the Fruits of those vast Donatives, either in themselves or their Posterity, that are worth looking upon; and so let them all perish, whomsoever, *Scots* or *English*, whose Foundation is such. Though I see no Reason but an Estate may be now questioned, which is known to have been raised upon the Oppression of this Nation, nor that any Title of Honour, so bought, should descend to Posterity.

A Lord is to be a Lord by Merit of Employment in some noble Office, for the public Good; not by projecting Tricks, and cozening Devices to fill a Tyrant's Coffers, to the enslaving of a gallant and free Nation. But, &c. to turn to King *James*.

In those Days, it is true, the Bishops, Nobility, and the Lawyers, had a great Influence upon the People for their Abilities, and supposed Honesties; yet amongst these such are found, and others are made such; that whatsoever the King would have, they are fit, and willing Instruments to bring it about, and make it pass for current Divinity and Law. Witness,

The burning of a whole Cart-load of Parliament Precedents, that spake the Subjects Liberty, that were burnt at the King's first coming.

Witness the Nullity.

Witness the Life of Sir *Walter Rawleigh*, that was taken away in Point of State, whose least Part was of more Worth than the whole Race of the best of the *Scots* Nation.

Witness, the inhancing of Customs.

Witness, Privy Seals, Monopolies, and Loans, Benevolences, Sales of Lands, Woods, Fines, New-Buildings.

Witness, the lamentable Loss of the *Palatinate*.

Witness the Treaty of the *Spanish*-Match.

In which two last, this Nation received more Dishonour, than in any Action any former Age can parallel, and all under the Colour of an honourable Treaty. His Daughter was undone, and his Son bob'd of a Wife, after the Hazard of his Person, and vast Expence of infinite Treasure to this Day undischarged.

I could never understand what Piece of King-craft it was, to let the Prince his only Son, with *Buckingham* his Favourite, make that Voyage into *Spain*, unless it were to be rid of them both: And had he not to do with a noble Enemy, surely they had never returned.

He would sometimes call a Parliament, for Money, not for Business: But if the Kingdom presented any Grievances, he would quarrel by his Prerogative, and dissolve it.

One Letter of his to the Parliament, I cannot read but with Amazement: Which being but brief, take here from his own Hand.

A COPY of his Majesty's LETTER to the Lower House of Parliament.

Mr. Speaker,

WE have heard by divers Reports, to our great Grief, that the far Distance of our Person at this Time from our High Court of Parliament, caused by our Want of Health, hath emboldened some fiery and popular Spirits in our House of Commons, to debate and argue publickly in Matters far beyond your Reach and Capacity; and so tending to our high Dishonour, and trenching upon our Prerogative royal: You shall therefore acquaint the House with our Pleasure, that none therein shall henceforth presume to meddle with any thing concerning our Government, or Mysteries of State: Namely, not to speak of our dearest Son's Match with the Daughter of Spain, nor to touch the Honour of that King, nor any our Friends or Confederates; and also not to meddle with any Man's Particulars, which have their due Motions in our ordinary Courts of Justice: And whereas we hear they have sent a Messenger to Sir Edwyn Sands, to know the Reason of his late Restraint; you shall in our Name resolve them, that it was not for any Misdemeanor of his in Parliament: But to put them out of Doubt of any Question of that Nature, that may arise among them hereafter, you shall resolve them in our Name, that we think ourselves very free, and able to punish any Man's Misdemeanors in Parliament, as well during their sitting, as afterwards; which we mean not to spare hereafter, upon any Occasion of any Man's insolent Behaviour there, that shall be ministred unto us. And if they have already touched any of these Points which we have forbidden, in any Petition of theirs, which is to be sent to us: It is our Pleasure, that you shall tell them, that except they reform it before it come to our Hands, we will not dain the hearing or answering of it.

I leave every Reader to comment upon it, according to his own Patience and Passion: But, that a Scot, from so beggarly a Condition, to be so peaceably and honourably received to so royal a Government, over so brave a Nation, should use such ungrateful, presumptuous, and proud Language to the Parliament of England, is to my Understanding, monstrous, horrible, and not good. But it was his Humour all his Reign; with Impatience over-ruling, with Jealousies threatening, and at Pleasure to dissolve all Parliaments, thereby to lay that Foundation of tyrannical and arbitrary Government, which he intended to bring upon us.

His Favourite Somerset being condemned, and quietly laid aside, he was ready provided of another, George Villiers by Name, a handsome young Man, lately returned out of France, from an Allowance of Threescore Pounds a Year; who comes to Court, is admitted to a Cup-bearer's Place, presently knighted, and made Gentleman of the Bed-chamber, and the same Day a Thousand Pounds a Year out of the Court of Wards given him, and in a Breath made Master of the Horse, then Knight of the Garter, then Baron of Whaddon, Viscount Villiers, Earl of Somerset, and a Privy-Counsellor, Marquis of Buckingham, Lord Admiral of England, Chief Justice in Eyre of all the Parks and Forests on the South Side of Trent, Master of the King's-Bench Office, Head-Steward of Westminster, and Constable of Windsor Castle, and lastly Duke; and

and then he could go no higher in Title; but by his Master's Pleasure and Courtesy, all the Affairs of the Kingdom are steered by his Compass, as is at large made known in many Men's Writings published. Yet when he knew his Master (notwithstanding his flabbering Expressions of Affection, and extravagant Honours and Riches) to be weary of him, he found a Plaster and a Powder, that made him Amends for all his Favours; and here the King-craft met with his Match. How far King Charles might be privy to this Business, I determine not; but the private Familiarity between them continued so long after, and protecting him from being questioned for this very Particular in Parliament, is no small Presumption.

But what the King denied (Justice) God sent by the Hand of *John Felton*, who stabbed this Duke at *Portsmouth* with a Tenpenny Knife, that he instantly gave up the Ghost, with these Words, *God's Wounds, I am slain!*

To write all the Actions this Duke did by these two King's Favours, in Prejudice of this oppressed Nation, would make a choleric Man mad, and a Flegmatic stupid; but let him go, the King is the Thing I intend, who made Use of him, the flattering Prelates, the poor spirited Nobility, and corrupt Lawyers, to frame such a Government, as all the Wealth in this Kingdom should be at the King's disposing.

Which Course, with such Instructions, he left to his Son; and how his Son managed them, hath been so clearly published by supreme Authority, fairly written by so white a Hand, that I intend not here to say much of that Prince; only this I can say, He was a Man so wilful, obstinate and uxorious, that he quite forsook his own Interest as a King, and the Honour and Interest of this Nation, through Malice and her Counsel; and did so far incline to the Interest of *France*, against *Spain* (and no Thanks for his Labour) that by his Means alone *Rochelle* and *Dunkirk* were both lost: But that, and his Father's Instructions, lost him, with the Loss of more Blood and Treasure to this Nation, than all our Wars had spent since *William the Norman*.

It hath been to me the greatest Wonder of the World, how this King could be so blind, as not to prevent that Storm that came upon him, till it was too late. Were all his Counsellors false? O unhappy King! Or would he be ruled by none but himself and his Wife? O more unhappy Man! (Surely in this was the Hand of God most visible.) Mischief was in his Heart against this Nation, but it came upon himself and all his, as the World hath seen.

There was about the Time of his Death, a Book published, which was presented to the World, as he the Author; which was so gross an Imposture, that I have much marvelled (the Fraud being so plain and easily detected) that no Course hath been taken to find him out, and punished, that made it; for that it was not his, is as plainly to be discerned, as the Sun at Noon. But that false Perfume lasted but a while, and the Scent was only pleasing to them that could not smell.

So that I may say, That in those Days was seen two the most remarkable, and most eminent Passages of human Affairs, that this Nation hath afforded since the Creation:

The Entrance of King *James* into this Kingdom, with as much Pomp and Glory as the World could afford:

And

And the Exit of his Son, with as much Shame and Misery as could befall a King.

And although God Almighty be the Judge of all Men, yet God's Judgments that are so remarkable, are for our Instructions, and God is to be glorified by us for these Judgments of his upon this King's Family.

I cannot in the best Stories I have read, find who was clearly King *James's* Father.

Mary, Queen of *Scotland* (a lusty young Widow) marries the Lord *Darnly*, Son to the Duke of *Lenox*, in the Year 1565, or thereabouts; and at the same time had for a Reserve in great Favour with her an *Italian* Fiddler, and *Bothwell*, a *Scotch* Lord. After Marriage, the Queen proves with Child. The King her Husband, that was Lord *Darnly* (enraged by some Informations) comes into the Room where the Queen his Wife was at Supper, and very big; drags the *Italian* Fiddler into another Room, and murders him. The Queen was shortly delivered of a Son, which was our King *James*. The Solemnity of the Christening ended, she and *Bothwell* murdered the King her Husband. Then the Queen marries *Bothwell* (and all this in a Moment of Time) but they are both fain to fly: The Queen came into *England*, and was here beheaded; *Bothwell* fled into *Denmark*, and there lay in Prison all the Days of his Life.

And now (Reader) observe the Fortune of this prodigious Family.

His supposed Father was strangled in his Bed, by the Consent of his Mother, and flung out into a Garden.

His Mother is beheaded.

His eldest Son, Prince *Henry*, by the Jealousy, and Consent of his Father, in the Flower of his Youth, and Strength of his Age, is poisoned.

His Daughter, married to the *Palsgrave*, where shortly her Husband (in Ambition to become a King) is slain, and she with her many Children are driven out of their Estates, and fly for Shelter into *Holland*, where she lived upon the Courtesy of this State.

Her eldest Son, having lived long upon a particular Charity of this Nation, was at last restored to a Feather of his Goose.

Two other of her Sons, after six Years following Arms and Plunder for King *Charles*, turned Pyrates at Sea, and so continued.

King *James* himself (after two and twenty Years Reign, by the Act of his Favourite *Buckingham*, and the Consent of his Son *Charles* that succeeded him) is poisoned.

King *Charles*, after eight Years Wars with the Parliament, is taken, arraigned and condemned, and is beheaded at his own Doors; and his Wife fled home to her Friends, and his Children scattered abroad in the World, to live upon the Charity of others.

Are all these Circumstances to be slighted, or unconsidered? And shall we take the Priest's Word, *King James was of blessed Memory*? I challenge the proudest of them; let them publish one clear Act of Honesty from him all the Time of his Reign, or any honest Man that ever he loved, and I'll yield. His Hypocrisy, Perjury, Cowardice, Blasphemy, Malice, are known to all; and base Ingratitude, which comprehends more than all the rest; whereof one

Example of him is well worth our remembering, to Sir *Henry Wotton*, which briefly was thus :

Sir *Henry* (a Man for Person and Parts highly esteemed, and honoured of all that knew him) being in *Florence*, when Queen *Elizabeth's* Death drew nigh, which King *James* gaped for) the Duke of *Florence* had intercepted some Letters, which discovered a Design to take away the Life of King *James* : The Duke abhorring the Fact, resolves to endeavour his Preservation, calls for his Secretary to advise by what Means a Caution might be best given to the King ; and it was resolved to be done by Sir *Henry Wotton*, who (being well instructed) is presently dispatched into *Scotland* with Letters to the King, and most rare Antidotes against all manner of Poisons, whereby that Mischief was prevented ; and Sir *Henry Wotton* returns into *Italy*, where shortly after came the News of the Death of Queen *Elizabeth*, and *James* King of *Scots* proclaimed King of *England* ; and away comes Sir *Henry Wotton* to joy the King.

This had been a fit Subject for to have shewn his noble Mind upon for a Favourite ; but what doth the King ? Takes him into two and twenty Years Travel, like a Pack-Horse, to make him an Agent in Foreign Parts, and leaves him in his old Age in *Eaton-College*, unable to pay his Debts, as may appear by his lamentable Complaint upon his Death-Bed ; his Words are these, in his last Will and Testament.

I humbly beseech my Lord's Grace of Canterbury, and the Lord Bishop of London, to interceed with our most gracious Sovereign (in the Bowels of Jesus Christ) that out of compassionate Memory of my long Services, some Order may be taken for my Arriers, for Satisfaction of my Debts.

This Precedent alone is so transcendently foul, as all his other Actions and Passions are Virtues to it. Fellows of no Merit, at home, must wallow in his Bounty and their own Luxury, to do his foul Pleasure, and to execute his tyrannical Actions, whilst such a noble Soul as this, must suffer Want, and die in it.

And now lay these Things together, and see whether this King, any more than any of his Predecessors, did deserve this honourable Memorandum : To consummate his Character, his Cowardice was as remarkable as his other Qualifications ; for the Sight of a drawn Sword, or the Noise of a Gun, would have put his Posteriors into such an Agitation, that the Savour did sufficiently inform the By-standers what Condition they were in ; but though these may seem ludicrous, yet being plain Matter of Fact, I thought not fit to pass it by in Silence ; but leaving so disagreeable a Subject, I shall pass on to his Son.

Charles I.

WAS as like his Father as one Egg is like another, only with this Odds, his Father had not Courage answerable to his Intentions ; but this Man durst attempt any thing, that his perverse and inflexible Temper put him upon. It has been proved already, that he was shrewdly suspected to have had an Hand in his Father's Death, together with his Favourite *Buckingham*, whom he protected to the last, against the Justice of the Kingdom.

As

As he was a *Scot* born, so he hated this Nation to the last Degree, and was a cruel Oppressor thereof, by illegal Methods; raising what Money he thought fit without Consent of Parliament, by what he called his Royal Prerogative. Witness, Ship-Money, Loans, Excise, inhancing of Customs, borrowing Money by Force of particular Persons, and if they refused, they were sent for Soldiers into foreign Parts; nor did some of the largest Cities and Corporations in *England* escape him. The Aldermen of *Bristol* were laid up for presenting a Petition, to excuse the City from the Payment of three thousand Pounds demanded of them by the King, nor were they discharged before the Money was paid.

Besides these Methods, he raised prodigious Sums by extravagant Fines in his illegal Courts of Star-Chamber, High Commission, &c. erected purely to enslave and ruin the Nation: In short, it is almost impossible to reckon up the many unjust and illegal Methods this King took, to ruin the poor spur-galled Subjects, and to advance himself to the highest Pinacle of despotic and arbitrary Power. He was a most inveterate Enemy to Parliaments, as knowing them to be the grand Obstacle to his towering Ambition; dissolving them at Pleasure if they answered not his wicked Designs; and it was his beggarly Necessities that forced him to comply to the Sitting of his last Parliament, till they should dissolve themselves, the City refusing to lend a Sum of Money, that was requested, without it, having been often baffled by him before in the same Manner.

He raised two Wars upon his own Countrymen the *Scots*, because they would not suffer a Liturgy composed by *Laud*, and sent to *Rome* to be approved, to be imposed on them. The *Irish* Massacre is another Instance of his Goodness, for which the Broad Seal of *Scotland* was produced; which Rebellion broke out in *October* 1641, thus warranted, when the King himself was in *Scotland*, by which above a Million of Souls were butchered in cool Blood for being Protestants: And though the Odium of this Fact is industriously shifted off to others, yet in the Judgment of Reason, we cannot bring in the King, not Guilty; who would never permit any to be called to an Account for it, though pressed thereto by Parliament; and King *Charles* the Second's Letter on Behalf of the Marquis of *Antrim*, who was thereupon restored to his Honours and Estate, as an innocent Papist, though a Ringleader of that bloody Rebellion, as having done nothing but by the Order, and for the Interest of his Royal Father, as the King words it, is no small Proof by what Authority it was committed. At last, to fill up the Measure of his Sins, as though all the Blood already spilt was too little to satisfy his Ambition and Revenge, having first insulted his Parliament, with his Band of dissolute Cavaliers, he set up his Standard at *Nottingham*, and endeavoured to bring in foreign Forces into the Kingdom, that so he might entirely enslave it, and be revenged, and at once rid of Parliaments. In short, he was a Man of an haughty, ambitious, insulting Disposition; an Enemy to Liberty, Property and Justice; incorrigible and perverse in his Temper, cruel, bloody and revengeful, and wasted more Blood and Treasure of his Subjects, than all his Predecessors since the Conquest. I should not have been thus large and particular, but that this Man is cried up for a Saint and Martyr, by a Party, most of whom are ignorant what he was; the Prelacy,

for the maintaining of their usurped Authority, giving another Character than he deserved; at last he ended his Days with a Lye in his Mouth, as is before hinted, owning a Book for his own, of which Bishop *Gawden*, and Bishop *Duppa* were the Authors, and he himself wrote not one Syllable, making way, by his Death, for his Son *Charles II.* to succeed him.

Charles II.

IN whose Restoration flowed in that Deluge of Prophaneness and Debauchery, under which we groan at this Day. Is noted for his excessive Lechery, wasting prodigious Sums of Money in maintaining his Whores, of which he kept no small Number, and those too at the poor Allowance of 1000 *l.* a Week a-piece, by which Means he kept himself poor and indigent to the last Degree, and became despicable Abroad, and the Ridicule of his own Court; *Rocheſter* often bantering him to his Face, and the celebrated Wits of the Age making Pasquils upon him, which were publickly printed and published; at last, after he had spent a long Tract of Years in Lust and Riot, he died not without Suspicion of being poisoned by his Brother, leaving behind him six Bastard Dukes.

James II.

HAD the Courage of his Grandfather, and the Religion of his Mother; the Malice and Inveteracy of his Father, and was altogether ruled by Priests and Jesuits; we had an Instance of his Clemency in the *West*, whilst himself was Duke of *York*; it was more than suspected that he had the chief Hand in the burning of the City of *London*, and it is well if his Brother had not too: During his short Reign, there were but few Taxes; but Mass-Houses were publickly erected, and Seminaries for Priests, Nunneries, &c. and an Army of *Irish* Papists raised to serve his Turn; but having endeavoured to sham the Kingdom with a pretended Prince of *Wales*, and disoblged the Nation by *Quo Warranto's*, against the Charters of most Corporations in *England*, wherein *London* could not escape his Hands, the Prince of *Orange* coming over with an Army, upon an Invitation of the Heads of the Nation; rather than submit Matters to the Determination of the Parliament, which was offered by the Prince, he ran away with the Queen and Pretender into *France*; from whence he entered *Ireland* with a *French* Army, and joining with the Papists, began the War there; which lasted many Years, and hath cost *Europe* so much Blood and Treasure; and in him, as the last Heir Male of that Family, was finished the Curse of his Grandfather *James* the First. And now, Reader, I must leave thee to judge which of all these Kings deserves that honourable Remembrance *Of Blessed Memory*: And I heartily pray, That his present Majesty, from whom we conceive, upon the justest Grounds, the most exalted Hopes of our future Happiness, having hitherto so governed in his own Country, that he is become the Darling of his Subjects there, and the Desire of these Kingdoms, over whom God in his infinite Goodness has placed him for a Blessing, may so rule, That he may be the Delight and Happiness of his Subjects, and the Terror of his

his Enemies; and when at length Heaven shall think fit to translate him to a celestial Crown of Glory, He may be a standing Pattern to all succeeding Princes (for Imitation) and deserve that glorious Character Of *Blessed Memory*.

The Translation of several Letters to her Majesty from the King of *Spain*, the Junta of the Military Army in *Catalonia*, and the City of *Vich* in the said Province; together with an Extract of a Letter written to her Majesty by the Rt. Hon. the Earl of *Peterborow*, General and Commander in Chief of her Majesty's Land Forces there, and joint Admiral of her Fleet. Published by Authority. 1705.

Madam, my Sister,

I HAD not delayed to remind your Majesty of my sincere Respects, had I not waited for a good Occasion of doing it, which I have now met with, in having the Honour to let you know, that the Town of *Barcelona* has surrendered to me by Capitulation. I make no doubt but you will receive this great News with an entire Satisfaction, as well because this happy Success is but an Effect of your ever glorious Arms, as by reason of those kind and tender Sentiments of a Parent, with which you consider me, and all that may contribute to the Advancement of my Interest.

I must do this Justice to all your Officers and common Soldiers, and in particular to my Lord *Peterborow*, that he has shewn throughout this Expedition a Constancy, Valour, and Conduct, worthy the Choice which your Majesty has made of him; and that he could not give me greater Satisfaction than he has done, of the great Zeal and Application which he has equally shewn for my Interest and Service. I owe the same Justice to your Brigadier-General *Stanhope*, upon Account of his great Zeal, Attention, and most prudent Conduct, of which he has given me Proofs in all Manner of Occasions; as also to all your Officers of the Fleet, and principally to your worthy Admiral *Shovel*; assuring your Majesty, that he has seconded me in this Expedition with an inconceivable Readiness and Application; and that no Admiral can ever make me more content than he has done. During the Siege of *Barcelona*, some of your Majesty's Ships, together with the Troops of the Country, have reduced the Town of *Terragona*, and the Officers remained Prisoners of War. Other Troops of the Country at the same Time made themselves Masters of the Town of *Girona* by a Stratagem. The Town of *Lerida* has submitted to me, as has also the Town of *Tortosa* on the River *Ebro*; so that all the Places in *Catalonia* are

are taken except the Town of *Roses*. Some Places in *Arragon*, not far from *Saragosa*, have declared for me; and the Castle of *Denia* in *Valencia* still holds out, and has repulsed the Enemy. Four hundred of their Horse have entered into my Service; and a great Number of their Foot have deserted. This, Madam, is the Condition in which your Arms, and the Inclination of the People, have placed my Affairs. I need not tell you what puts a Stop to the Course of these Conquests; it is neither the Season, nor the Enemy, those are no Obstacles to your Troops, who desire nothing more than to be in Action, under the Conduct they now are. The taking of *Barcelona* with so small a Number of Troops, is remarkable enough; but few Examples will be found of what has happened in this Siege. Seven or eight thousand Men of your Troops, and two thousand Miquelets, have surrounded and invested a Place which 30,000 *French* were not able to do.

After a March of thirteen Hours, they climbed up Rocks and Precipices, to attack a Fortification stronger than the Town, of which the Earl of *Peterborow* sends you the Plan; and two Generals entered with the Grenadiers on this Attack with Sword in Hand, where the Prince of *Hesse* met with a glorious Death, after so many noble Actions; and I hope that his Brother and his Family will always have your Majesty's Protection. With eight hundred Men they forced the Covered Way, and all the Intrenchments and Works one after another, to the last Retreat, against five hundred Men of the Troops that guarded the Place, besides the Reinforcement they had received; and in three Days after they were Masters of the Place. The Town was attacked under the Castle, and the Cannon and Artillery were again landed with inconceivable Pains and Labour. Two Camps were maintained, and a Communication preserved between them, though near three Leagues distant from each other, against a Garrison almost as numerous as our Army, and who in Horse were twice as strong as ourselves. The first Camp was so well intrenched, that it was defended with two thousand Men, besides the Dragoons, while the Attack was carried on with the rest; and as soon as a Breach was made, the Disposition was formed for giving the Assault with the whole Army. These, Madam, are Circumstances that perhaps distinguish this Action from any other.

There happened another Accident which was never known before: The Cruelties of the pretended Viceroy, and the Report that he intended to carry away several Prisoners, contrary to the Capitulation, had stirred up the Burghers, and some of the Country, to take Arms: The Garrison being employed in loading their Baggage, in order to march out the next Day, found themselves in a very great Confusion, and all things tending to a Slaughter, when your Majesty's Troops entered the Town, with the Earl of *Peterborow*; and instead of busying themselves with plundering, as is usual in such Occasions, they appeased the Disorder, and saved the Town, and even the Lives of their Enemies, with a Discipline and Generosity without Example. Nothing remains, but that I return you my most respectful Thanks for having sent me so great a Fleet, and so good and valiant Troops to assist me. After such happy Beginnings, I thought it proper, according to the Opinion of your Generals and Admirals, to maintain in Person the Conquests we have made, and to shew my Subjects, who are so affectionate to my Person, that I cannot abandon them. I receive so great an Assistance from your Majesty, and your generous Nation, that

that I am overcome with your Goodness; and in the greatest Confusion, that I should be the Occasion of so great an Expence for the supporting of my Interest: But, Madam, I give up my own Person, and my Subjects in *Catalonia*, who expose their Lives and Fortunes upon the Assurances they have of your generous Protection. Your Majesty and your Council know better than we what is necessary for our Preservation. We shall wait for your Majesty's Succours, with an entire Confidence in your Goodness and Wisdom. It may be seen what Forces are necessary: It may also be seen how great a Diversion we shall give to *France*: It cannot be doubted, but they will make their utmost Efforts against me as soon as possible; and I doubt not, but the same Efforts will be used by my Allies to defend me. What can be said to you, Madam? Your Goodness gives you the Inclination, and your Power furnishes you with the Means, to support those whom the Tyranny of *France* would oppress. All I can suggest to your Wisdom, and that of your Allies, is, that the Forces employed in this Country will not remain useless to the public Good, but will be under an Obligation and a Necessity to act with the utmost Vigour against the Enemy. I am ever, with the most sincere Affection, Respect, and Gratitude,

Madam, my Sister,

*From the Camp at Senia, before
Barcelona, Oct. 22, 1705.*

Your most affectionate Brother,

CHARLES.

A Letter to her Majesty from the Junta of the Military Army of Catalonia.

Sacred Royal Majesty,

THE Principality of *Catalonia* being free from the heavy Yoke suffered by the violent Oppression of *France*, and restored to the Center of its Felicity under the easy and desired Dominion of our adored Monarch *Charles* the Third (whom God protect) whereunto your Majesty has been pleased to contribute so powerfully by the Forces of your Crown, is indispensably obliged, prostrate at the Royal Feet of your Majesty, to an eternal Acknowledgment of so sovereign a Favour, with repeated Thanks to your Majesty for the Quality, Number and Goodness of the Troops, which have acted with singular Regularity, punctual Obedience, and inimitable Valour; as also for the Choice of the General, my Lord the Earl of *Peterborow*, who commands them, since there is none that can exceed him in Valour, and few who can equal him in understanding the Art of War. His Discretion, Affability and Gentleness, are the attractive Loadstone of the Hearts of the *Catalonians*, who love and value him as the Instrument of their Felicity, respect him for his Person, and for his Character of your Majesty's General; and hope, from your Majesty's Goodness, and the generous Strength of the *English* Nation, a Continuation, with the greatest Efficacy, of effectual Succours, for maintaining the Principality under the gentle
Do-

Dominion of our King and Lord, and for promoting the great Work of restoring him to the Throne of his Ancestors.

Thus all our Felicity, and the Quiet of *Europe*, will be owing to the glorious Conduct and sovereign Direction of your Majesty. God protect the Sacred Royal Person of your Majesty, as we desire, and is necessary for us.

*From the Camp of Sarria, near
Barcelona, October 23, 1705.*

At your Majesty's Feet,

The Junta named by the King our
Lord of the Military Army of
Catalonia.

A Letter to her Majesty from the City of Vich.

M A D A M,

WE should be wanting to the Law of good Vassals of our King and natural Lord Don *Carlos* the Third (whom God protect) if we did not return your Royal Majesty the Thanks due to you (as we do hereby give the same) for having favoured him in the Conquest of this Principality with the powerful Fleet, governed by the most excellent the Earl of *Peterborow*, General by Sea and Land; who, by his great Zeal, Direction, Constancy and Valour, mastering all Difficulties, and overcoming Impossibilities, which presented themselves in the Enterprize, has obtained a glorious Triumph over the Castle and Fort of *Montjutch*, and over the City of *Barcelona*, and with it, over the rest of the Principality: We do therefore repeat to your Majesty our just Acknowledgments, assuring your Majesty, That as this good Fortune fills us with Joy and Acclamation, so it does however much afflict us, That the Distance between your Court and this City deprives us of the Accomplishment of our Desires, which is personally to throw ourselves at the Royal Feet of your Majesty, as we do by this Letter execute it with cordial Affection, there being none so much concerned in this singular Enterprize as the City and ourselves. May your Majesty enjoy repeated Congratulations, since it has been your Arms that have placed our Catholic Monarch on the Throne of this Principality. And we hope, That in what he has further to do, for conquering the Monarchy, your Majesty's Royal Protection will not be wanting to him, whereon we rely for Success. We beseech God to protect your Majesty's Person, as is necessary.

M A D A M,

Vich, Oct. 25, 1705.

Your Royal Majesty's,

Most obliged humble Servants,

The Counsellors of the City of *Vich.*

Extract

Extract of the Earl of Peterborow's Letter to her Majesty, dated at Barcelona, October 13, 1705.

THE King of *Spain* has very obligingly eased me of the Necessity of giving your Majesty an Account of Particulars. Upon the whole, I believe your Majesty's great Goodness will make you graciously accept of my Endeavours. I shall only say, Madam, My Thoughts and Actions shall never have any other View but your Majesty's Glory, and the Good of my Country.

I would say more to your Majesty of your Officers and Troops, of the great Assistance of the *English* Fleet, of the Courage, Chearfulness, and exact Obedience of your Soldiers, if I did not think their Actions did sufficiently recommend them to your Majesty's good Opinion, and to the World: But I must not omit to let your Majesty know how happy we have been in a perfect Agreement with the Officers of the States-General, of Sea and Land: Nothing has been desired from the *Dutch* Admirals, or offered to the *Dutch* Generals, which has not been complied with, even beyond what could be hoped or reasonably desired.

I do not solicit your Majesty for the necessary Supports of all Kinds for this happy Beginning; your Majesty, your Allies, and your Parliament, can never abandon a King beginning his Reign with an Action of such Resolution and Courage, nor a whole Province; and your own Troops entirely depending upon your Wisdom and Goodness. We all rest assured of the Care and Protection of the best of Princes; and have nothing to desire so earnestly of Heaven, as the Preservation of your sacred Person, and the long Continuance of a Life of such Consequence to the whole World.

A Catalogue of Books to be sold by Auction near St. James's.

1. **A**N Argument proving the *Cevennois* Rebels. By E— of N—.
2. Reasons for banishing all Protestant Dissenters, and for a Comprehension between the Church of *England* and the Church of *Rome*. By Sir J— P—. In Fol.
3. *Solomon's Fool*, or the Art of Political Thinking. By Ld. G—. In 3 Vol.
4. The fortunate Pimp. A Novel. Dedicated to H— G—. by Mr. W—t, Doorkeeper to the Treasury. In large Octavo.
5. The Excellency of *Vigo* Snuff. By Sir E— S—. In 3 Vol.
6. An Argument against Periwigs, and the Use, Legality, and Beauty of natural Hair. By H— B—, Esq; G— D—, and Sir M— D—.
7. The great Advantage of early Whoring. By Mrs. S— I—.
8. A Letter from Hell. By the Lord Chancellor *Jefferys* to Ld. C— B— W—, relating to *James Taylor's* standing in the Pillory. In Quarto.

9. An Encomium on Temporizing, dedicated to A— H—
10. An Historical Account of the great Actions, Fights at Sea, and wonderful Knowledge of the present A——ty. By G— C— Esqrs; dedicated to R— H—
11. The Method of poisoning Sailors with bad Provisions. By T— C— and H— V— Esqrs; dedicated to the P——s Council. In 3 Vol.
12. A Dialogue between Ch——r M—— and L. N——, concerning the *Portugal* League. Dedicated to the Parliament.
13. The whole Art of War, of encamping, entrenching, retreating, and running away. By the Baron D'O——m. Dedicated to D. M——.
14. Of the Legitimacy of the Pr. of *Wales*. By the Lady T—— B.
15. The History of the ragged Serpent. By Tho. E——, Esq; late Commissioner of the Excise, and present Commissioner of the Duties on Salt. 2 vol.
16. The Nature of splitting Offices. By the R. H. J— H—— Dedicated to *Wagadary*. 2 vol.
17. Of Modesty and Temper of Mind. By the same Author.
18. A Discourse of political Divinity. By the Revernd D. B——b. Dedicated to the B. of L——. 10 Vol. *Folio*.

A Catalogue of Books to be sold by Auction at the City-Godmother's in *Mincing-Lane*, on the 29th of *May* next, being the Anniversary of the Restoration of Blessed Memory.

1. **S**O A P and Suds : or, The *Æthiopian's* Address to the Queen of *Sheba*, for a little of her Majesty's White-Wash.
2. Fair Play : or the House of Commons vindicated from the Charge of Injustice and Tyranny, in refusing a new Election to the Town of *Maidstone* in *Kent*, in 240. Written by the Right Honourable R. H. Sp——r to the H. and C. and dedicated to the *Kentish* Petitioners.
3. The Eagle and Fly ; a Fable occasioned by the H. of C. Order for taking the Observator into Custody.
4. Puss in the Corner : or, The old Game revived. A Comedy, as it was acted in St. *Stephen's* Chappel by the H. of C. Written by *Heraclitus Ridens*, and dedicated to *Harry St. J——*
5. The Usefulness of *Corinthian* Brass. By the Right Honourable J. H. Esq; dedicated to the Com——er of her Majesty's Household, 10 vol. in *Fol*.
6. The Tale of a Tub : or, The Art and Mystery of poisoning Reputations by Impeachments without Prosecution. Dedicated to the Commons.
7. A Pindarick Ode in Praise of Darkness, clean Straw and Water-gruel. Written for the Use of the H. of C. By Mr. *Prior*, at the Desire of a noble Peer. In *Fol*.
8. The Excellency of Wooden-Shoes, Pottage and Fetters : To which is added, the Usefulness of an Inquisition in *England*, for the better Establishment of High-Church. By Sir H. M.

9. Of Patience under Sufferings : In 5 Vol. *Octavo*. By *H. St. John*, Esq; occasioned by his losing 500 *l.* on the Lords damning the Occasional Bill.
10. A Hymn to the Praise and Glory of High-Church. By Sir *J. Pack*—*n.* Dedicated to *Jon. Tr——ny* Bishop of *E*—
11. The Art and Mystery of Gingerbread-making: or, Gingerbread improv'd, by the indefatigable Care and Endeavour of the lower H. of Convocation ; together with an Account of their great Zeal for the Church and Religion. By *Heraclitus Ridens*.
12. Passive Obedience kicked to the Devil by the lower H of Con. being an Account of their humble and dutiful Carriage to the Upper H. To which is added, a Comparison between the first Fathers of the Church, and the latter. In a Letter written by Mr. *John Toland* to *Andrew Marvel*, Esq; at his Mansion-house in *Elysium*.
13. *England's* Glory retrieved : being a congratulatory Poem on the signal Courage and Success of those two great Commanders, the D. of *M.* and Sir *G. R.* Translated from the Original of Monsieur *Poussin*, and dedicated to the Suburbians of *Wapping* and *Hockley in the Hole*. In 240.
14. Sailing Orders ; or Battle without Bloodshed : Being Part of some political Maxims written for the Good of Old *England*, and Safety of his Majesty's Subjects. By the E. of *N*—, and containing a full Vindication of Admiral *Grayden*, and Sir *J. Munden*. Dedicated to the Heirs and Executors of Admiral *Bembow*, deceased. In 240.
15. The Art of Secrecy. By her Grace the D. of *M.* dedicated to the Widow and Children of Monsieur *Frenan*, late Governour of *Dunkirk*.
16. Of Humility and Self-denial. In small 120. With a Comparison between *Windsor* Venison and *St. Albans* Mutton. By the same Hand.
17. Bowling and Building, the two great Qualifications of Statesmen : With a Pindarick Ode in Praise of Swearing and Gaming. By his Grace the Duke of *B.* in 4 vol. in *Folio*, large Paper gilt.
18. The Insipidness of old-fashioned Virtues, or the Advantages of being an early Rake. To which is added, by Way of Appendix, the Necessity of occasional Conformity to Whoring and Gaming. By his G. the Duke of *B*—*d.*
19. The Way to Preferment, being a choice Collection of Ribaldry, Defamation and Scandal, on the Memory of the late *K. William*.
20. Scaramouch, or the Church's Scarecrow. By a Priest of the Order of *St. Alphage*.
21. *Harlequin*, or the Humours of High Church ; a Farce, as it was acted with Applause before the University of *Oxon*. By Mr. *Sack*—*l.*
22. The Church supported, and Piety promoted, by the *Sunday's* Cavalcade to *Hide Park*. Being an elaborate Piece of the Right H. the *Ld C*—*y*, and written in his Coach *en passant*.
23. The *Chameleon* to that famous Civilian Dr. *Davenant*, occasioned by his late Essays.
24. Two Treatises ; the one of fair Dealing, the other of good Breeding. By Sir *Sim*—*ll.* Dedicated to Mr. *D. Defoe*.

25. *Rostrorum Fulcimen*, or some new Essays for the better Reputation of the Pulpit and Playhouse. By *George Powel* Servant to her Majesty.

26. *Good Housekeeping*. By *Sir Sam. D——d*. Dedicated to the Coxcombs that chose him Lord Mayor. In 240.

An Account of the Proceedings against *Dr. Titus Oates*, at the Quarter-Sessions held in *Westminster-Hall* on *Thursday, July the 2d, 1702*, for scandalizing and assaulting *Mrs. Eleanor James*; and of his being found guilty, and fined for the same. To which is added, *Mrs. James's* Case relating thereto.

ON *Thursday* last, being the 2d Instant, *July*; *Dr. Titus Oates*, and *Mrs. Eleanor James* had a Hearing at the Quarter Sessions held for the City of *Westminster*, relating to an Assault that was made by the said *Titus Oates* on the Body of *Mrs. James*: As also for several scandalous and reflecting Expressions, the Particulars of which were to this Effect, That the Plaintiff *Mrs. James* happening to meet the said *Oates* some time since in the Court of Requests, where only asking him some modest Questions, he was so enraged, that in a violent and riotous Manner struck her on the Head with his Cane, putting her in bodily Fear; and not only so, but attempted to repeat his Blows a second Time, tho' prevented; after which, her Council having declared the customary Scandals that the Defendant had been guilty of, as well against the Dead as living (besides the Matter in Question) and of the evil Consequences that has attended them. *Mrs. James's* Evidence were called, who made it appear, that *Oates* had assaulted her as aforesaid; has also proved the said reflecting Expressions, tho' *Oates's* Council endeavoured to insinuate that she made the first Assault, by pulling him by the Sleeve; but it being made appear that her taking him by the Sleeve was done by Way of Admonition, in a friendly Manner, without the least Appearance of Anger; the Court, after some Consideration, gave it in Favour of *Mrs. James*, and thereupon was ordering a considerable Fine to be paid by the said *Titus Oates*, for committing the said Assault and Scandal: But upon the Doctor's acknowledging the Crime, and promising to refrain from such like Scandals for the future, and withal alledging he was above a Thousand Pounds in Debt, and consequently incapable to pay a large Fine, but must be obliged to lie in Prison all his Life for its Payment; and upon his engaging that he would never affront, scandalize or assault *Mrs. Eleanor James*, or any other Person whatsoever in the like Nature any more, he was only fined six Marks and dismissed the Court, but not without a severe Check for acting so irreverently and unbecoming his Profession.

The chief Heads of Mrs. *James's* Case, relating to the Occasion of her differing with *Titus Oates*, as abovesaid.

MRS. *Eleanor James* having heard the abovesaid *Oates* speak very disrespectfully of K. *Charles II.* and also of the Word of God, she was troubled to see him wear the canonical Habit, and therefore, meeting him in the Court of Request (as abovesaid) she asked him why he presum'd to wear the Robes of the Church, when he knew himself an Anabaptist? In Answer to which he returned her (as a Mark of his Favour) a dreadful Blow on the Head, and had he not been prevented by a Gentleman (something civiler than himself) he would have repeated his Strokes; upon which she was pleased to petition the House of Lords about it, to this Effect, viz.

‘ I humbly intreat your Lordships, for the Love of God, and for the Sake
 ‘ of Religion (to which *Oates* is a Scandal) to forbid him wearing the Gown,
 ‘ and order his Cane to be burnt, that it may no more be an Instrument of Mis-
 ‘ chief. And as it is in your Lordship's Power to lessen his Pension, he having
 ‘ 300 l. per Annum; if Part of that was given to poor Ministers Widows, it
 ‘ would glorify God, and bring a Blessing on your Lordships and the Nation:
 ‘ Indeed he was made an Instrument to discover the Popish Plot, and had he
 ‘ kept to Truth, he might have done some Service; but telling Lies which
 ‘ the King knew to be such, made him not believe what might be true, and
 ‘ so thought his Brother and the Roman Catholicks were injured, so that *Oates*
 ‘ was an Instrument to carry the Plot on under the Pretence of preventing it:
 ‘ And this is the Man who some has idoliz'd as Saviour of the Nation.

‘ I wish it was seriously considered what great Evils such Scandals do, espe-
 ‘ cially when it happens upon Magistrates, to asperse them with Popery when
 ‘ they are innocent; for by that Notion the Jews destroyed Christ, pretend-
 ‘ ing he would bring in the *Romans*, and King *Charles* the first fell under that
 ‘ malicious Pretence, &c. Therefore, seeing Lying does so much Mischief,
 ‘ it ought to be severely punished.

And in another Paper she says thus,

‘ Is there any Reason (quoth she) I should be scandalized and abused for
 ‘ my innocent Intentions and good Endeavours, by *Oates*, that uncircumcised
 ‘ *Philistian*, whose Actions are as black as Hell, one whom Justice, for the
 ‘ Blackness of his Crime, excluded him from the common Benefit of Mankind,
 ‘ that his Oath might not be taken in any Court of Justice.

‘ And was it a Crime in me to take him by the Sleeve and ask him a
 ‘ Question, when I have taken Kings, Princes and Governours by the Hands.
 ‘ Sure he showed himself more like a Devil than a Doctor, in endeavouring to
 ‘ beat out my Brains with his Cane; therefore I think there's not any Man
 ‘ that has any Sense of God and Goodness can be on his Side; for what is
 ‘ worse than a lying Tongue? St. *James* says, *It is set on Fire of Hell.* And
 ‘ Christ compares false Teachers to devouring Wolves, and Dr. *Oates* is
 ‘ known

known to be such, and why should he wear the Church Livery? I hope all good Men will be against it. And as I am innocent of all his Accusations, so I desire I may obtain Justice; for all hope now to see Justice appear in her perfect Beauty, and that Lying will not be encouraged, nor Perjury rewarded.

It was signed ELEANOR JAMES.

England's Path to Wealth and Honour; in a Dialogue between an Englishman and a Dutchman. 1700.

Luke v. 4. *Launch out into the Deep, and let down your Nets for a Draught.*

To the most noble Thomas Duke of Leeds, Marquis of Carmarthen, Earl of Danby, Viscount Latimer, Baron Osborne of Kiveton; and Knight of the most noble Order of the Garter; Governour of the Royal Fishery of England.

May it please your Grace,

NO Person having spent more Money and Pains than your Grace to re-establish the Fishery of *England*; I presume to dedicate to you the following Dialogue: Not that I have the Vanity to believe this my poor Mite can make any Addition to your Grace's great Treasure of Knowledge: But as believing the Fact in this little Book contain'd, so true it might safely appear before the best of Judges.

With all Respect I am,
Your Grace's most Humble, most Faithful,
most Obliged and most Obedient Servant,

JAMES PUCKLE.

P R E F A C E.

THE Highlands of Scotland, Wales, Biscay, Switzerland, and other Countries, (not worth the conquering) continue still in Possession of their Aborigines: Whereas England being a Country (as was said of the Tree of Paradise) good for Food, pleasant to the Eyes, and to be desired, hath been possessed by five several Nations, and coveted by many more.

Yet view its Coasts they'll appear bold, and but thinly inhabited, and the Civil Wars of our Island having occasioned the demolishing its strong Holds, in Case of an Attack how can we be defended against foreign powerful Enemies, but by a naval Power.

Allowing us Masters of more tall Ships than any of our Neighbours, What Security can a numerous Navy afford, if Mariners be wanting?

Whether England wants Mariners best appears by our turning 'em over from Ship to Ship, by our long, long Embargoes, and yet excessive Charge in Pressing, (and by so many of our Ships being lost, during the late War) for Want of their Complement.

Nor can the Number of our Seamen be readily encreased, with establishing a Fishery. For Men of War and Merchantmen spend many Mariners and breed few,

few, the great and best Nursery for Seamen is the Fishery ; where each Dogger brings up (it may be) six, eight, or ten new Men every Year, and the Fishermen's Business lying where our Ship's Danger lies, makes them know how the Sands shift, where the Rocks and Shelves are, consequently most able Coasters and admirable Pilots.

Besides by frequent riding out great Storms in small Busses and Doggers, Fishermen become so steeled and habituated to Danger, that in Tempests and Engagements they work Wonders ; and the Fish lying upon our own Coasts, the Men we employ to catch them) though out of his Majesty's Pay) will be ever at Hand, and so ready for Service, as to make our watchfullest Enemies despair of surprizing us.

*Again, ' A due Care for our Poor is an Act of great civil Prudence and political * Wisdom, for Poverty in itself is apt to emasculate the Minds of Men, or at least it makes Men tumultuous and unquiet, where there are very many poor ; the Rich cannot long or safely continue such ; Necessity renders Men of phlegmatick and dull Natures stupid and indisciplinable, and Men of more fiery or active Constitutions, rapacious and desperate.'*

The Poores Rates of England (besides voluntary Charity) amounts to near a Million per Annum ; by which it is evident, what vast Numbers of Beggars and idle Persons live upon the Publick without Return of Labour for their Bread ; now Beggars Children (if not destroyed in the Womb, or at the Birth) being bred up in Want and Laziness, become of unhealthful Bodies, and more than ordinary subject to many loathsome Diseases, whereof Abundance die in their tender Age ; and such as attain to riper Years, by idle Habits contracted in their Youths, are rendered for ever unapt and undisposed for Labour, and serve only to stock the Kingdom with Thieves and Beggars : So that without a due Care for Relief of our Poor in a Way of Industry, they'll daily encrease.

Suppose, to employ our Poor any one Manufacture be encouraged, it may perchance remove the present Trade of one City or County to another, and occasion such Complaints as the Button-Makers (not long since) made against Cloth Buttons, yet leave the Generality of our Poor destitute of a convenient Support and Provision.

Nay, could we at once encourage every Manufacture in England, encreasing our Manufacture and not our Food would only lessen the Misery of our present Poor, by sharing it amongst all the People in the Kingdom.

The most effectual Expedient then to employ our Poor, is to establish a Fishery ; which by affording them at once both Food and Employment, would quickly turn the great Burthen of our Nation into an equal Benefit.

Much more might be said to this Purpose ; but at present shall only add that within thirty Years past, our active Neighbours the French have encreased their Navigation to a Proverb. Given Europe much disquiet, and cost England (in particular) abundance of Blood and Treasure. But had not Englishmen been guilty of more than Spanish sloath in not putting forth their Hands to take that rich blessing, (the Fishery) which Providence by placing upon our Coasts, courts us (as it were) to receive all our Sovereigns (as well as Queen Elizabeth,) might have bounded the Numbers of the French Fleet, and by the Blessing of God have been

Pacis Europæ Arbitri, Maris Domini & Vindictæ.

A new Dialogue between an Englishman and a Dutchman.

D. M. **G**OOD-morrow Friend, what art musing on?

En. M. **C**onsidering the Extent of these your Dikes, I was thinking what excessive Charge and Pains, *Holland*, is yearly at to defend itself against invading Waves: Whereas the Sea that encircles happy *England* (Barrier like) fenceth it against Surprize and Ravages, exempts us from the Charge and Terrour of Garrisons and Fortifications, and (with our floating Castles) continues to us that quiet Liberty and Security the rest of *Europe* more or less have lost.

D. What though *England* be fenced in by the Seas, happier *Holland* hath a mighty Ocean of Wealth to defend it, and Money you know is the Sinews of War.

E. The cold Winds (being moistened by the Vapours, or softened by the Warmth of the Sea's Motion before they reach our Islands) are less fierce, and the Air is far more Mild and Temperate, if not more healthy, than any Part of the Continent under the same Climate; so that we have no necessity for Grotto's in Summer, or Stoves in Winter.

D. In my Opinion, that Country is still happiest that is stored with the richest Growths and Products for Trafic and Commerce, and the Air ever best were most Money is stirring; for Poverty and Want will render People unhealthy in all Climates.

E. *England* abounds with Mines, Rocks, Pits and Quarries of (a) Alabaster, (b) Antimony, (c) Ardois, (d) Black-lead, (e) Chalk, (f) Crystal, (g) Tobaccopipe-Clay, (h) Coals of divers Sorts, (i) Copper, (k) Fullers-Earth, (l) Freestone, (m) Iron, (n) Lapis Calaminaris to make Brass, (o) Loadstones, (p) Lead, (q) Marble, (r) Millstones, (s) Plaister harder than that of Paris, (t) Potters-Oar, (u) Slate, (w) Salt, (x) Steel, (y) Tin, (z) Whetstones, &c.

Upon

(a) *Darbyshire, Nottinghamshire, Staffordshire.*

(b) *Darbyshire.*

(c) *Cornwall.*

(d) *Cumberland.*

(e) *Sussex.*

(f) *Darbyshire.*

(g) *Dorsetshire.*

(h) *Cardiganshire, Cumberland, Durham, Lancashire, Leicestershire, Northumberland, Shropshire, Staffordshire, Yorkshire.*

(i) *Cornwall, Cumberland, Darbyshire, Staffordshire, Yorkshire.*

(k) *Bedfordshire, Surry.*

(l) *Dorsetshire.*

(m) *Darbyshire, Durham, Gloucestershire, Hampshire, Shropshire, Staffordshire, Warwickshire.*

(n) *Somersetshire.*

(o) *Devonshire.*

(p) *Cardiganshire, Carmarthenshire, Darbyshire, Devonshire, Durham, Staffordshire, Yorkshire.*

(q) *Darbyshire, Dorsetshire.*

(r) *Anglesey, Cheshire, Darbyshire, Flintshire.*

(s) *Nottinghamshire.*

(t) *Carmarthenshire.*

(u) *Cornwall.*

(w) *Cheshire, Cumberland, Worcester-shire.*

(x) *Gloucestershire.*

(y) *Cornwall, Devonshire.*

(z) *Darbyshire.*

Upon its Coasts are found (a) Amber, (b) Ambergrease, (c) abundance of Copperice Stone, (d) Jet, (e) Pearls, (f) fine Pebbles, transparent like Diamonds; also Flint, Varrack, &c. to make Glafs: Besides (not to mention the rich Commodities yearly imported from its fruitful Plantations, that are to it as so many Mines of Treasure,) *England* affords Plenty of Corn, Cattle, Fowl, Fruit, Pulse, Leather, Wool, &c. Whereas, *Holland* produceth nothing but a few Hops, Madder, Butter and Cheese.

D. The whole Product of your Island is nothing, when compared to the (g) golden Mines of our Provinces, which have yielded us more Treasure than the Mines of *Potosi*, or both *Indies* to *Spain*.

E. The Golden Mines of your Provinces; pray where do they lie?

D. In *Neptune's* Store-pond, which the *English* call their Seas.

E. Our famous *Edgar* with a Navy of four Hundred Sail, vindicated his Dominion on our adjacent Seas, and Records mention his Successor *Canutus* to have laid that ancient Tribute called *Danegelt*, upon all (whether Strangers or *Denizens*) trading on our Coasts or Seas.

Egbert, *Altbred* and *Ethelfred*, all stiled themselves supreme Lords and Governours of the Ocean, surrounding the *British* Shore.

King *John* (b) challenged the Honour (or rather Duty) of the Flag, universally paid us, not barely as a Civility, but as a Right (*debita Reverentia*) acknowledging our Title and Dominion.

The famous Record entitled *Pro hominibus Hollandie*, shews how obsequious your Ancestors were, not only in acknowledging (i) *Edward* the First's Dominion on the Sea, but craving his Protection and Permission to fish on the Coast of *England*: And had not the Sovereign of the *British* Seas in Fact been in the Crown of *England*, why did the (k) Earls of *Holland* petition *Edward* the Third (and the (l) *French* our *Henry* the Sixth) for leave to fish therein? And why did your (m) Skippers use to purchase License from *Scarborough* Castle, before they presumed to cast a Net upon the North Coasts of *England*? Wherefore did *Philip* the Second of *Spain*, (n) obtain License of Queen *Mary* for his Subjects to fish upon the North Coasts of *Ireland* for the Term of Twenty-one Years, for which, was yearly paid One thousand Pounds into the Exchequer of *Ireland* as by the Records appear?

D. A Fig for your mouldy Records: I say the Sea is as free to fish in as—

E. —As the Roads of *Holland* are to travel in, where both Natives and Foreigners are forced to pay Passage Ghelt.

D. Don't interrupt me Sir; I say, the Sea is as free to fish in as the Air to breathe in, who doubts it, may read our great *Hugo Grotius's Mare liberum*.

VOL. IV.

H h h

E.

(a) *Norfolk*.

(b) *Cornwall*.

(c) *Whitstable* & *Whitby*.

(d) *Norfolk*.

(e) *Cumberland*.

(f) *Cornwall*, *Gloucestershire*.

(g) So the *Dutch* in a Proclamation 1624 stiled the fishing Trade;

(h) *Anno* 1200.

(i) *Anno* 1295.

(k) *Rot. Par.* 23. *Ed.* 1st. memb. 5.

(l) *Rot. Par.* 22. *Ed.* 4th. memb.

(m) *Camden's Britannia*.

(n) 1552.

E. Grotius in his *Sylvæ* upon the Inauguration of King James (before he was perverted by the Importunities of his Country Men,) speaking his Thoughts freely says,

—*Tria Sceptra profundi
In magnum coiere Ducem.*

The Rights of the *English, Scottish and Irish* Seas, are united under one Scepter; neither is he satisfied with that bare Profession:

Sume Animos à Rege tuo qui dat Jura Mari.

Take Courage from the King that giveth Laws to the Seas.

And in the same Book in the Contemplation of so great a Power, he concludeth.

Finis hic est qui fine caret, &c.

This is an End beyond an End, a Bound that knows no Bounds, which even the Winds and Waves must submit to.

And if you remember when King James observed your Encroachments, he enjoined his Ambassador Sir Dudley Carleton to expostulate it with your States, as may be seen in Mr. Secretary's Letter, (o) wherein he tells them, 'that unless they sought leave from his Majesty and acknowledged his Right, as other Princes had done, and did, it might well come to pass, that they who would needs bear all the World before them by their *Mare Liberum*, might soon endanger their having neither *Terram, nec Solum, nec Rempublicam liberam*.' So much did that wise Prince disdain to be wrangled out of the ancient Rights, and Regalities inherently annexed to his Crown, by the subtle Arguments of Wit and Sophistry.

D. Don't tell me of King James, I say, that the Sea is free for every Body, and defy you to show the contrary.

E. Why then do the *Venetians* exercise Dominion in the *Adriatick*, and the *Tuscans* lord it in the *Tyrrhene* Seas? How comes it to pass that all your Skip-pers pay Toll to *Denmark* for passing the *Sound*, and to *Sweedland* for sailing in the *Baltick*? Wherefore doth the Republic of *Genoa*, let to Farm the Fishery for *Teunies* in their Neighbouring Seas: And the Emperor of *Russia* compel all Fishermen, (within his Seas) to pay him Tribute: How is it that the like is done by the Duke of *Medina Sidonia* in *Spain*, and by all the Princes of *Italy* bordering on the Seas? Nay, wherefore do the *Dutch* stile themselves Lords of the southern Seas, and allow far less Liberty in *India* than they take upon the *English* Coasts.

But to wave this Dispute: Pray Sir, how many Labourers have you in your golden Mines as you called 'em.

D. Upon taking an Account of the several Trades and Employments, by which the *Dutch* subsisted, in order to find which best deserved the Protection and Encouragement of the Public, it appeared that in *Anno* 1668. The Subjects of the States General were (p) Two Millions, Four Hundred and Fifty

Thousand,

(o) 21 Dec. 1618.]

(p) *Pol. Gron. & Maxims Van Holl.* p. 43.

Thousand, of which (besides those employed in the inland Fishery,) Four Hundred and Fifty Thousand were then maintained by fishing at Sea, and the Traffic depending thereon; since which time we have much increased the Numbers of our fishing Busses and Doggers to the great Encouragement of our Navigation, and all Trades depending on the Fishery?

E. Which are they?

D. Anchor-smiths, Bakers, Ballastmen, Basket-makers, Blacksmiths, Brewers, Butchers, Carpenters, Caulkers, Clapboard-splitters, Compass-makers, Coopers, Duck-weavers, Hemp-dressers, Hook-makers, Hoop-splitters, Joiners, Line-makers, Mariners, Mast-makers, Net-makers, Net-tanners, Plumbers, Pulley-makers, Pump-makers, Rope-makers, Sail-makers, Sawyers, Ship-chandlers, Ship-wrights, Tallow-chandlers, Thread and Twine-spinners, &c. to the no small Profit of the Makers and Venders of all Materials, Tools and Utensils belonging to those Trades, and of all Tradesmen that make or sell Culinary Wares, Bedding, Cloathing, &c. for Mariners; to which may be added, Packers, Tollers, Dressers and Couchers to carry, sort, and make the Herring lawful Merchandize; also Porters, Carmen, &c. in a Word, you can hardly cast an Eye upon any Sort or Condition of People, but are the better for our Fishery, and the Community most of all.

E. Pray where, and at what Times of the Year do you fish for Herrings?

D. In the Beginning of *June*, the Herring rising about two Leagues off *Cranehead* (the outermost Part of *Bratio-sound*,) stay there about fourteen Days, thence to *Farry Islands* (seven Leagues to the Southward of *Shetland*,) round which they remain one and twenty Days, thence to *Buffinness*, (about thirty Leagues to the Southward of *Farry Island*) the fishing Place is called *Buffin-deeps*, -and is twenty Leagues to the Northward of the *Firth*, where the Herring abide about fourteen Days, in the fishing Ground under *Chivit-bills* and *Chivit-chace* about fourteen Days, thence we follow them to the *Dogger-bank*, where they stay about thirty-seven Days; about the beginning of *September*, they come into *Yarmouth Seas*, where they continue near seventy Days, from whence they fall to the Southward, followed by small Fishermen, it being dangerous for Busses.

E. What Quantities of Fish are yearly taken by the *Dutch*?

D. About (q) three hundred thousands Lasts.

E. This confirms Sir *Walter Raleigh's* Observations presented to King *James*, (r) and shews that the learned Sir *John Burroughs* in his Sovereignty of the *British Seas*, upon good Grounds affirmed that the Fish yearly taken by Strangers upon our Coasts, did amount to (s) above ten Millions of Pounds Sterling: But pray Sir, where have you vent for all your Fish?

D. At *Artois*, *Brabant*, *Bremen*, *Cleveland*, *Cologne*, *Dantzick*, *Denmark*, *Elbin*, *Emden*, *Flanders*, *France*, *Frankfort*, *Germany*, *Gulickland*, *Hamburg*, *Hainault*, *Holstein*, *Italy*, *Liesland*, *Lithuania*, *Lubeck*, *Nerva*, *Norway*, *Poland*, *Pomerland*, *Portugal*, *Prussia*, *Quinsbrough*, *Revel*, *Riga*, *Russia*, *Spain*, *Stade*, *Stratten*, *Sweedland*, &c.

E. Are you never afraid of glutting the Markets.

H h h 2

D.

(q) L. v. Aitzma. Anno 1653.

(s) Page 140.

(r) Anno 1633.

D. No more than we are that People will leave eating, great Part of the trading World being yet unserved, which is the Reason we yearly so much increase the Number of our Doggers.

E. What Returns are made for your Fish ?

D. Allum, Armour, Baratees and other *Frankfort* Commodities, Brandy, Bullion, Clapboard, Coin, Corn, Copper, Currants and other Grocery Wares, Damasks, Deal-boards, Dollars, Flax, Fruit, Furs, Fustians, Glass, Hemp, Honey, Hulsop, Iron, Lace, Linnen, Mill-stones, Oil, Pitch, Plate, Pot-ash, Prunes, Rashes, Resin, Sarsenets, Sattins, Silks, Skins, Steel, Tapestry, Tar, Timber, Velvets, Wainscots, Wax, Wines, and other Things in abundance ; the exporting of which Commodities again to other Countries, gives our Ships full Employment, so that they need not go in Ballast to seek Freight, but by the Profit of our outward bound Voyages are enabled to serve Foreigners so cheap, as to render us the common Carriers of the World, consequently Masters of the most certain Profit in Trade ; for when the Ships arrive safe in Harbour, though Merchants happen to loose by their Goods, yet Seamen are paid their full Wages.

Besides by continual Bartering of such Exports, *Holland* is rendered the mighty Storehouse, and Empory of all foreign Products and Manufactures, from whose infinite Miscellany of Goods its Inhabitants are compleatly furnished with such sortable Wares, as enables them to Trade from Port to Port without danger of glutting Markets.

And thus as our Fishery hath encreased our Trade and Navigation ; constant Employment hath still made Foreigners flock to us in such Numbers, that out of our Multitudes, supplying (from time to time) the loss of so many Lives as the Change of Climates, Successes against the *Portuguese*, and Victories against the *Indians* have cost us ; we have forced Treaties of Commerce, exclusive to all other Nations : built Forts upon Straits and Passes that command the Entrances into Places of great Traffick ; monopolized all the Spice Trade, and mightily advanced towards engrossing the whole Commerce of the *East Indies*.

E. Well may you boast that *Amsterdam* is founded upon Herring Bones ; and no wonder that notwithstanding your so frequent and chargeable Wars ever since your Revolt from *Spain*, there is hardly a Beggar in your Streets.

But if in *Holland*, which contains not above five Millions of Acres, its Bogs and Sandy-Downs excluded.

Holland, where you have no Minerals, and where it is in vain to dig for any thing but Turf and Clay.

Holland, where you have no Tree but what you planted, nor Stone but what you brought thither.

Holland, so much lower than the Ebbings of the Tides and Rivers, that at vast Expence you are obliged with Mills to drain the very Floods occasioned by Rain.

Holland, where notwithstanding your continual Charge (as was said) in repairing Banks and Dykes ; frequent Inundations destroy Man and Beast for several Miles together, and then vast Sums (and whole Years) are spent ere the Land can be regained.

Holland.

Holland, where the east Winds coming to you o'er a mighty length of dry Continent, extream Cold, and long Winters, put you to the Expence of much Fire, Candles, Food and Rayment; and to great Charge and Pains in housing and foddering your Cattle, all which time (living on dry Food) they yield little Milk.

Holland, so exposed to bleak Winds, that blast the Blossoms of its Trees, and Storms that shatter off ere ripe their Fruit.

Holland, where that little arable Land you have, lying generally on sand or light Bottoms, requires much Soil, and where Seed-time is so short, that unless it be exactly nicked no Profit can be reaped; for when the Seed rots in the Ground (as by great Rains it frequently happeneth) the Season is generally past before it can be sown again.

Holland, whose whole Product is scarce sufficient to serve (t) one eighth Part of its Inhabitants, consequently the rest are obliged to purchase the so necessary Commodities, Food and Rayment of neighbouring Countries, at the Rates they can get them.

Holland, whose Territories extending upon powerful Neighbours, to defend its Frontiers, and draw out a War in length by Sieges, in order to determine it, by Force of Money rather than of Arms; you are obliged to be at vast Expence in Fortifications and standing Troops, to defend them even in the time of the profoundest Peace, for instance *Anno 1670*. After all Reforms, you had ten Regiments of Horse and Nineteen of Foot, making together twenty-six thousand two hundred Men, the constant Charge of which Forces was 55628 *l. Sterling per Annum*.

I say, if in *Holland* naturally loaded with these Disadvantages and Misfortunes, and all their ill Consequences; notwithstanding you are (u) bridled with hard Laws, terrified with severe Executions, environed with foreign Forces, and oppressed with the most cruel Hardships and Variety of Taxes that were ever known under any Government, your People are become so numerous and wealthy, by fishing upon our northern Coasts.

Did we in *England* diligently apply ourselves to the fishing Trade, what a continual Sea Harvest might we reap whose Coasts so abound with Cod, Hake, Conger, Whittings, Scate, Sprats, Soals, Oysters, Salmon, Pilchards, Turbets, Thornbacks, Mackerel, Herrings, or Ling all the Year long.

D. Why e'en just such a Sea Harvest as the *Hamburgers* did (who after five or six Years trial to imitate us in the Herring Fishery,) found to their cost we still outdid them, and so we shall you.

E. The Reason why you outdid the *Hamburgers*, was because they were yearly frozen up (w) somewhat longer than you, but seeing by that Start you could outstrip them, surely we need not fear the Goal; who (besides what has been said,) have in Fishing many more Advantages of you, than ever you had of the *Hamburgers*.

D. The generality of your Countrymen are of another Opinion.

(t) *Pol. Gran. & Maxims van Holland*, p. 44.

(u) Sir William Temple's Observation on the united Provinces.

(w) *Lex. Mercator*. Fol. 171.

E. I am not ignorant what Industry has been used to poison my Countrymen with an Opinion, that none but *Dutchmen* can thrive by fishing: But unprejudiced Persons upon examining the Matter will find,

The *Dutch* have above an hundred Leagues to sail before they come to the Herring Fishery, which is only in the *British* Seas, and when there, must lie at the Mercy of the Winds for Want of a Port to Friend, and in case of unloading have as far back again, which takes up a great deal of Time, hinders Business, and endangers the Loss of their Markets: Whereas, in *England* we have the Fish upon our own Coasts, so near our Shores, that in Case of Storms, Unloading, taking in of Provisions, or the like, it is but four or five Hours Work (commonly not so much) to recover an Harbour, and without Loss of Time put to Sea again; the Work of Unloading, Repacking, and sending our Fish to Market going on in all Weathers.

D. And have not we Dogger Boats to take off our Fish at Sea, and refurnish the Fishermen with Cask, and other Necessaries.

E. Yes Sir, and you have the Charge and Risque of those Dogger Boats too (both which the *English* save) after all if it happens to be a rolling Sea, you must lie by and wait for a Calm.

D. What other Advantages can you boast?

E. *England* hath many convenient Tidehaven-Ports, as at *Hull*, *Harwich*, and *Holy Island* to the Northward, and *Dover*, *Rye*, *Portsmouth*, *Southampton*, *Cowes*, *Weymouth*, *Dartmouth*, *Catwater*, *Hamsey*, *Fowey*, *Falmouth*, *Hilford*, *Scilly*, and *Milford Westward*, where at low Water all of them are small Chingle or hard Sand; so that our Vessels may easily haul a Shoar, and wash and tallow at Pleasure; nor are Creeks and commodious Places wanting in *England* to lodge our Busses and Doggers safe when not employed, so as to prevent Wear of Cables, Charge of Watching, Danger of Fire, &c.

D. What else?

E. The Shores of *England* are bold, its Coasts high Land, easily discovered, several of our Cape-Lands opposite to *France* and *Holland*, make Eddy-Bays whose Depth of Water is mean as six, eight, ten, or twelve Fathom the Tides; on our own Coasts, are small Anchor hold, generally stiff Clay, Chalk or hard Gravel, so that we need not dread Winter Storms; besides the Advantage we have lying in a moderate Climate, and in the very Center of the Trade of *Europe*, affords us opportunity of sending to foreign Parts, from divers of our Ports at all Seasons of the Year: Whereas, the Coasts of *Holland* are extreamly low, subject to be Hazy and Foggy, have many Shoals and Sands, some of which lie so far off at Sea, that frequently Ships are stranded before they see Land; its Ports are bad, and often choaked up with Quick sands; its Havens yearly frozen up two or three Months together: And the north-west Wind (usually blowing the greatest Part of the Year) makes *Holland* a Lee, and *England* a Weather-shoar, so that oft times, whilst you are Wind-bound or frozen up at Home, we can supply the Markets abroad.

Besides, wanting Wood at reasonable Rates, you cannot share with us in the Red-herring Trade.

As for Pilchards, they cannot be well cured unless brought fresh on Shore, and being taken on our Coasts will be stale ere they can be carried to yours.

Not

Not to mention our rich *New England* Fishery, our western Ports are incomparably situated for the *Newfoundland* Fishery, and the Country itself belonging to the Crown of *England*, you can have no footing there.

Near the Pile of *Foudray* in *Lancashire*, and in several other Places along the Shores of *Wales*; we can fish even without the Charge of Busses, for by only setting Nets on the Sands at low Water, great Quantities of Herrings are taken next Tide of Ebb.

D. Those Herrings on the Coasts of *Lancashire* (coming newly out of the Ocean) are so fat they will not take Salt kindly, consequently are apt to Reast.

E. We now find by Experience, that fat Herrings being pressed and cured like Pilchards, take Salt kindly, and yield Store of Oil, to the great Encouragement of our Ship-wrights, Curriers, Soap-boilers, &c.

D. How chance this Method was not found out sooner?

E. *Dies Diem docet*; those noble salt Rocks in *Cheshire*, (sufficient to supply all *Europe*) have not been many Years discovered.

Besides, of a Stone abounding in *Shropshire*, much Pitch is now made of so excellent a Nature, Heat only causeth it to penetrate deeper into Plank, and Cold cannot crackle off; both which are Advantages *Holland* cannot pretend to.

D. What more?

E. The Coasts of *Wales* abound with Ash; which as far excels other Wood for drying Herrings, as its Bark doth all others for tanning Nets: Nor do we in *England*, (as you) want Willow Hoops from *Hamburg*.

D. Notwithstanding all the Advantages you speak of, your chief Fishing Towns, *Yarmouth* and *Laystoffe* are beholden either to us at *Enckhuijsen*, or to the *French* at *Dieppe*, for selling them Nets?

E. Before the late War, they used to buy Sail-Cloath of you too, but that now made at *Fulham*, &c. is brought to equal Perfection with your best *Holland* Duck; and as for Nets, the Towns you mention, have these seven Years last past made most they used; and who knows, but that our Artisans (universally allowed the best upon Earth for Improvements) may in a little time as much excel you in these Things, as they out-do the *Germans* in fine Steel Works; which though they first invented, yet we now make and sell to them:

But seeing you talk of being beholden: I think you are beholden to us, for selling you our *Thames* Lamprons wherewith you bait for North Sea Cod, or else you might go——whistle for 'em.

D. Have you any more Advantages of us?

E. I omitted to tell you, that upon Exporting our Fish, we have the Benefit of a considerable Drawback upon Salt.

D. If that were all, rather than suffer that Tide of Wealth that flows in our Fishery to be diverted to another Channel, no doubt but our States will allow the *Dutch* the like Encouragement: But now I find you have told me all your Advantages.

E. Excuse me Sir, *England* affords Timber, Iron and Hemp; whereas, you are forced to purchase those Commodities in foreign Countries.

D. Nevertheless, we have all naval Stores in Barter for Herrings, which costs us little, but the Trouble of Hauling up out of the Sea, which being considered,

considered, and how much the catching such Herrings (by employing and encreasing our Ships and Mariners, adds to the Wealth and Strength of our Country) it conduceth far more to our Advantage, then if *Holland* had naval Stores of its own Product: Whereas, to purchase East Country Wares, the *English* are yearly forced to export much Coin, to the great exhausting of their Treasure.

E. We do not (as you) depend solely upon the east Country for naval Stores; no, in Case of Exaction or Rupture, we can be sufficiently supplied from our *American* Plantations.

But if a Fishery be established in *England*, what should hinder us from having naval Stores in Exchange for Herrings as well as you?

D. Your white Herrings are not so bright and good as ours.

E. Whilst your Clapboard is floating from *Germany*, the Rhine draws out its Sap, and if we also soak the corrosive Sap out of our Clapboard, which now discolours and preys upon our Fish, and like you, gip and salt the Herrings as soon as taken, they will be every whit as bright, and good as yours.

D. We build cheaper in *Holland* than you do in *England*, and sail our Vessels with fewer Hands.

E. Our Ships are much stronger and abler to brook the Seas than yours, and will last twice as long; and as to your sailing with fewer Hands, we envy not your Happiness, whilst (in Proportion to your Tonnage and Number of Mariners) you yearly loose (by slight building and undermanning) far more Ships and Men's Lives than we; for which Reason, in above three Parts of the World, our Ships yield better Freight; where then lies the Odds? Which were there any, could be only in Merchantmen to carry our Fish to Market; Busses and Fisher Boats carry more Men to catch Fish than are needful to sail them: And in the *Greenland* Trade, each Ship must have three times the Crew that can navigate her, to Man their Shallops when a fishing, were not this true since in building, *English* Shipwrights know no Masters, surely we might easily cause our Ships to be built and manned after your Mode.

But supposing your Assertion true, if as all Ships that carry Corn to *Venice*, are permitted to load Currants at *Zant*; so all Bottoms which exported *English* caught Fish, might be allowed to return with a loading of naval Stores, without paying Aliens Duty: That would set us upon even Ground with you, as to the Business of our Fishery.

D. Two thousand five hundred Persons are hardly able in a whole Year, to make a Fleet of Nets for five hundred Busses: Now *England's* many Wastes and unimproved Lands, shews its not half peopled, and of those in it,

Consider.

How many Women and Children do just nothing, only learn to spend what others get.

How many are meer Voluptuaries, and as it were Gamesters by Trade.

How many live by puzzling poor People with unintelligible Notions.

How many by persuading credulous, delicate and litigious Persons, that their Bodies or Estates are out of tune or in danger.

How many by Trades of meer Pleasure or Ornament.

How many by fighting as Soldiers.

How

How many by Mysteries of Vice and Sin, or in a lazy Way of Attendance upon others, where then can you hope to find Hands to carry on your Fishery?

E. In *England* we have Numbers of *French* Protestants who fled from *Dieppe* and the Coasts of *Normandy*, &c. (bred to the Business of the Fishery from their Cradles) that (if settled in our decayed fishing Towns) would as certainly make them flourish as the *Walloon* and *Burgundean* Refugees planted by *Queen Elizabeth* (z) at *Norwich*, *Canterbury* and *Colchester* (then so poor Cities) to such great Trade, Riches and Plenty.

In *England* we have no sumptuary Laws; so that Mercers not foreknowing Fashions, dare not lay out their Stocks till the *Spring*, at which time their sudden great Demands render Journeymen scarce, and oblige Weavers to draw in Numbers of Apprentices, who in few Months supply the Trade of the Nation: when being turned off, many (like the Inhabitants of the *Bath*, *Epsom*, *Tunbridge*, &c. who live by exacting on Strangers in *Summer*) are ready to starve for Want of Employment before the next *Spring*.

Were a national Fishery established in *England*, our Gentry by causing their Footmen and Servants to rise early and employ their idle Hours in making Nets, might not only reap the Profit of their Work, but by accustoming them to Business in their Youths, beget in them such industrious Dispositions as would prevent (what now too frequently happens) their becoming Beggars, or worse in old Age.

The time of labouring, and industrious People well-employ'd, is the best Commodity of any Country; and were a Fishery established in *England*, how advantageous would it be to the Publick: when all our disbanded Soldiers, poor Prisoners, Widows and Orphans, all poor Tradesmen, Artificers, and Labourers, their Wives, Children and Servants, each vacant Interval may be getting a Penny by braiding and beeting of Nets, &c.

The far greatest Part of *England's* Droans are neither so young, nor yet so old or decrepid but that they may either turn Wheels, spin Twine, braid or beet Nets, cut Corks, cast Leads, make Herring-Spits, Norsels, Swills, or Baskets, gip, spit, salt, hang or pack Herrings, or at least tend Fires to smoak or dry them, pick Oakum, or the like; and as a constant Employment of our Poor will be a continual Ease and Comfort to them, by amusing and diverting them from thinking of their Poverty or other Misery, so will it alleviate the Nation's Burden, and in some Measure be a re-peopling of us too, by adding so many lost Hands to the Service of the Publick.

D. But still you want Mariners; whereas Sailors in *Holland* are as common as Beggars in *England*.

E. It is owned our Want of Mariners enough at once to man our Navy, and Colliery cost *London* and the Dependancies upon the River of *Thames*, (during the late War) above seven hundred thousand Pounds, only in the Price of Coals; by which may be guessed, how detrimental it was to the Trade of our Nation in general.

But the more we want Mariners, the greater Reason we have to establish a Fishery which (as is shewn in the Preface) is the best Way to encrease their Number.

The many Thousands *English*, *Scotch* and *Irish* Mariners, who now yearly fish for you, would hardly seek Work abroad, if a Fishery afforded them full Employment at home, and 'tis odds but a finer Country, cheaper and better Food and Raiment, wholesomer Air, easier Rents and Taxes, will tempt many of your Countrymen to cross the Herring-Pond.

Since the Peace is concluded, and our great Ships laid up, we have Mariners enough to begin a Fishery, and as that goes forwards it will proportionably encrease their Numbers.

D. Fishing is a Work for which the *English* are unfit, and requires such skilful, industrious and robust Seamen as no Country breeds but *Holland*.

E. Your learned *Keckerman* says, *Omnibus bodiè Gentibus, navigandi, Industria & Peritià superiores esse Anglos.*

'Tis certain, our Mariners do as cheerfully undergo Hardships, and are as bold in Danger as any, and for hard Labour, the working of a Mine is incomparably harder than that of a Buß. No Country but *Great-Britain* can boast, that after twelve Hours hard Work, its Natives will, in the Evening, go to Foot-Ball, Stool-Ball, Cricket, Prison-base, Wrestling, Cudgel-playing, or some such vehement Exercise for their Recreations; and as for their Genius, it is remarkable, that such Lads and Country-Fellows as at *Yarmouth*, *Laystoffe*, &c. are once hired into the Fishing Trade, and come to feed on the Fish they catch, it improves them at such a rate, that of pitiful Weaklings at Land, they become healthful, stout and hardy Persons, and upon Trial find it so much to their liking, that not one in twenty but take to the Sea for good and all.

D. *Englishmen* are dainty chap'd, and when a fishing cannot fare like ours.

E. It is certain, they need not for Meat and Drink in *Ireland*, and in many Parts of *England* are above as cheap again as in *Holland*, which produceth no other Provisions, for Traffick, than Butter and Cheese, and those too are cheaper with us than with you: Besides it is observed, that whatever *Dutch* Fishermen save by eating of *Grout*, they drink more than ours in Brandy.

D. The Act of the 18. *Car. II.* prohibits the Importation of *Irish* Cattle, to keep up Rents: Now catching much Fish (by hindering the Consumption of Flesh) will make Lands fall.

E. Doubtless Plenty of Food is a great Blessing of God, and no good *Englishman* will desire to grow rich by a Famine.

It is generally the landed Men bear the Burden of the Poor, without finding them work they must maintain them idle: where the Poor's Rates are high, Lands will fall, and Rents be ill paid.

The cheaper Provisions are, the less Taxes will serve in Time of War, Housekeeping will be less chargeable, and a less Rate maintain our Poor: But where Provisions are dear, Work and Wages will rise in Proportion to the great Detriment of Husbandry, and stop to Improvements; which (*pro tanto*) will fall Rents and raise all Manufactures, yet lessen their Consumption both at home and abroad, and necessitate Masters for Want of Vent, by turning off their Journeymen, to make whole Families of Beggars at once.

Catching much Fish will morally speaking, render *England* less subject to Famine, which generally exhausteth more of our Wealth in one Year than War doth in two.

Catching

Catching much Fish will give work to many Thousands of both Sexes that now are cloathed in Rags, and through Poverty live only on Bread, Water, Pulse, Roots, and the like, who when they come to have the Rewards of their Labours in their Hands, will encourage the Woollen Manufacture, by buying new Cloaths; and our Farmers, by a greater Consumption of the Product of the Earth, by drinking strong Beer, will advance the King's Excise, by encreasing the Number of Tenants, raise our Rents, yet lessen our Poor's Rate and Taxes, by helping to pay them.

Catching much Fish will occasion the Expence of much Butter, and make our Farmers run much upon Dairies, the Business whereof though performed by Women, turn to as good Account as the hardest Labour the Husbandman can employ his Time in: Put the Case, the Market should be overstock'd at home, *English* Butter is too good a Commodity in *Flanders, France, Spain, Portugal, &c.* ever to want Vent abroad.

The Cheaper our Provisions are, the more Navigation will be encouraged, more foreign Ships will victual with us; fewer of ours in *Ireland*, and the more Beef, Pork, &c. shall we export to *Barbadoes, Jamaica, &c.* so that supposing Meat should not always remain at a very excessive Rate, yet where a greater Consumption causeth a quick Market, though at a middling Price; if the Proverb be true, light Gains will make a heavy Purse.

It is cheap Provisions that enables the *Indians* to supplant the *Europeans* in their Manufactures; and should a Fishery make Provisions in *England* but one tenth Part cheaper, Wages would fall in Proportion, and our Artists grow never the poorer, yet our Merchants be enabled (by underselling) to beat all the rest of *Europe* out of the Woollen Trade, and then our Farmers would gain far more by the Rise of the Fleece than they would lose by the Fall of the Flesh.

After all, the Profit of Land in *England* doth not wholly consist in breeding; abate in grazing, and plough up more Pasture, and Flesh will hold its Price.

D. Corn is so cheap in *England* your Farmers are often broke by it, what then could you do with greater Quantities?

E. The Reason why Farmers sometimes wans Vent for their Grain, is because we have not always Store, and therefore Merchants make no Provision for the Trade. But if we yearly sow such Quantities of Corn beyond the Expence of the Nation, as Merchants may be no less certain of a constant Supply here than they are in the Sound (where the Country depends as much upon their Harvest, as *France* does on its Vintages) Plenty would soon create a Trade, and the Advantage of *England's* lying so much nearer than *Dantzick* to the Places where foreign Corn is exported, together with the Allowance granted by the 25 Car. II. upon the exporting thereof, will sufficiently encourage Merchants to deal therein.

Most of our Ships are now sent light to *Bilboa* and *Lisbon* (now what loads our Ships helps our Navigation) and our Exports to *Lisbon* not answering our Imports from thence, the more we send them in Corn, the less their Wines will cost the Nation in ready Money, or Bills of Exchange which is all one.

Gold and Silver Mines *England* hath none, and in Times of Peace no Way to get Bullion, but by foreign Traffick; to which nothing can more conduce than cheap fishing, and cheap working and manufacturing the Commodities, which compose the Exports of our Kingdom, and that is, not to be effected except Labour be cheap, which it can never be where Provisions are dear: but the cheaper our Provisions are, the cheaper our Exports may be afforded, consequently the more Vent we shall have for them, and much Vent will cause many Workmen, and when the Wheel is set a going, Trade begets Trade, as Fire begets Fire; and the more Trade encreaseth, the more will industrious People from all Parts flock to us and tenant our Houses, enclose our Wastes, improve our Lands, encrease our Manufactures, and enlarge our Products, far beyond the whole Expence of our Nation, and thereby in Proportion add to its Wealth and Treasure, for Merchants exporting the Surplus, will in Returns bring back Gold, Silver, and other valuable Commodities, which in *England* that hath Property by Succession of Contracts, will diffuse among its Inhabitants, and thus as the Number of Persons made rich by their Labour and Industry encrease, and the Choice of Tenants and Chapmen are enlarged, a Kind of Competition amongst them must and will make Rents and Lands advance in Proportion: Witness *Holland*, and such of our Lands as lie near great and populous Corporations. So true it is, That Trade and Lands are Twins, that always wax and wain together.

D. Notwithstanding what has been said, I advise all your Countrymen not to be concerned in a Fishery, for in *Holland* we have Money at three, whereas the Trade of *England* is burthened with Six *per Cent*. Interest, consequently you can never keep Pace with us.

E. Why do you not, (for the same Reason) advise us to forbear trading to the *East-Indies*, *Turkey*, *Spain*, *France*, *Italy*, *Portugal*, &c. nay, to quit all Navigation, and abandon ourselves to the next Comers. Was it not the fishing Trade gave Rise to all your Wealth, and as Money grew plentiful in *Holland*, did not Lands rise gradually to near forty Years Purchase, and Interest fall by Degrees from eight to three *per Cent*? Why then may not we expect that a Fishery will do the same in *England*, and be a Means to regain our *Muscovy*, *Greenland*, *Norway*, and *East Country* Trades? For, still as Trade by encreasing of Wealth causeth an Abatement of Interest, will yet cause a further Encrease of Trade.

D. The *Dutch* are already settled in the fishing Trade.

E. Stately *Genoa*, that once employed forty thousand Hands in the Silken Manufacture, declines now as fast, as her formerly neglected Neighbour *Leghorn* riseth: And if the *French* King continues to court all the World with popular Immunities, *Leghorn* (in time) must give place to her Sister *Marseilles*.

The King of *Portugal* having discovered the Passage to the *East-Indies* (a) by the *Cape of Good-Hope*, and so diverted the Course of Trade driven by the *Venetians*, from *Alexandria*, and the *Red Sea* to his Port of *Lisbon*; kept Factors at *Antwerp* to vend there his *Indian* Commodities; which drew several Merchants from diverse Parts to reside there, and made that pleasant seated City the

(a) Anno 1500.

the Pack-house of *Europe*: But when the *Dutch* (b) also found the Way to the *Indies*, and began to rival *Portugal* in that Trade, Merchants resolving not to lose the Advantage of their Skill in *Indian* Commodities by removing to *Amsterdam*, improved their own Estates but ruined *Antwerp*.

Trade like the Sea, its Element often ebbs and flows from one Place to another; not many Years since, we imported Silk Stockings from the *Levant*: But now the Tide is turned, and we send them thither.

D. Projects in *England* have of late proved very unsuccessful.

E. What though some Men have run upon wild Notions, and catching at Shadows lost their Substance, that's no Objection against our Fishery, which is a Certainty; for the Sea yields her Fish, as well as the Earth her Fruit in due Season: and *Neptune* hath been far more bountiful to you than *Ceres*.

D. Have you drawn up a Method for Employing the Poor of *England* in a national Fishery?

E. I have attempted it, but find the well contriving the Business requires far better Heads than mine.

D. However, let's see your Essay?

E. Here it is, Sir, and may receive Alterations and Additions upon Consideration.

THE PROPOSAL.

1. **T**HAT towards raising a Joint Stock for employing the Poor in a National Fishery, a Million be subscribed.
2. That the Money subscribed be called Stock, and be assignable.
3. That every Subscriber, at the Time of such their Subscriptions, pay to ——— One full fourth Part of his, her or their respective Subscriptions; and in Default of such Payment every Subscription to be utterly void and null.
4. That the Residue of the said Subscriptions be paid by such Proportions, and at such Days and Times, as by a general Court of the said Subscribers, shall from time to time be appointed: And in Default of such Payment, that then the fourth Part first paid, as aforesaid, be forfeited to the Use of the Corporation, herein after mentioned, their Successors and Assigns.
5. That the Subscribers be incorporated by Act of Parliament (by the Name of the Corporation for employing the Poor of *England* in a national Fishery) with perpetual Succession.
6. That at a General Court to be held for the said Corporation, thirty be chosen out of the said Subscribers, by Plurality of Votes, and presented to the Parliament.
7. That out of the said thirty, ten be nominated Fathers of the Poor, and Directors of the national Fishery, by both Houses of Parliament, approved by his Majesty, and accountable to them for their Trust.
8. That in Case of Vacancy (by the Death, or Misdemeanor) of any one of the said Fathers of the Poor (during Sessions of Parliament) the said Corporation to present three, out of which His Majesty and Parliament to nominate one as before, and so *toties quoties*. But in Case the Parliament shall not then be sitting, that such Vacancies be filled up by the Majority of the surviving Fathers

(b) *Anno* 1602.

Fathers until next Session of Parliament ; and then the Corporation to present, and the King and Parliament to approve, as before.

9. That such Fathers be impowered to constitute, under the Seal of the said Corporation, a sufficient Number of Deputies in each County in *England* ; and that such Deputies be, and be called, the Stewards of the Poor.

10. That the said Fathers and such Stewards of the Poor be exempted from all Parish Offices.

11. That the said Fathers, and such their Stewards be vested with all Authority now in Justices of the Peace ; and that all Parish Officers be subordinate and accountable to the said Fathers, and such their Stewards, in all Things (only) relating to employing the Poor.

12. That the said Fathers and Stewards have Freedom to set the Poor on Work, about such of the said Trades relating to the Fishery as they shall think fit, with a *non obstante* to all Patents that have been, or shall be granted.

13. That to prevent People from being oppressed and ground to Poverty by Pawnbrokers that skrew out of them 40 or 50 *per Cent.* ; the said Fathers may be allowed to erect Lumber-Offices in every City and Town in *England*, exclusive of all others, upon Condition they take not above ——— *per Cent. per Annum.*

14. That in all Churches, (as in *Holland*) at every solemn Assembly, the Churchwardens with a long Staff, Bag and Bell, during the Sermon, receive the charitable Benevolence of the whole Congregation, and pay the same to the said Fathers, who shall cause a true Account to be kept thereof, and apply it to the erecting Hospitals in *London* and other great Cities, wherein poor Women near the time of their Travel may be received and carefully delivered, and remain 'till they are in a Condition to return home and follow their Work : And if at the Year's End, any Overplus of such Collections remain, that the same be yearly applied for marrying poor Maids.

15. That until the Business of the Fishery be sufficient alone to give Employment to all our Poor, (or at least during ten Years next after the establishing a national Fishery) the said Fathers and Stewards of the Poor may be empowered to employ such of them as they shall think fit, in erecting Free-Schools, Hospitals, Workhouses and Warehouses, for the Corporation, in making Enclosures, in repairing Sea-Banks, draining Fens, cleansing and deepening Rivers and Havens, in building and repairing Churches, Bridges and Causeways, in mending Roads, in planting Oaks near navigable Rivers, and Fruit-Trees, in Inland Countries, also in cleansing of Streets, Common-Shores, and the like.

16. That the said Fathers of the Poor be empowered to send such refractory Poor as they shall think fit, to serve in his Majesty's Plantations, taking Security for their comfortable Maintenance during their Service, and for their Freedom afterwards.

17. That all the Poor's Rates in *England* be collected as formerly, by the Churchwardens of each Parish, and by them quarterly paid into the Treasury of the said Corporation, as a Recompence for their providing for the Poor, and freeing the Nation from Beggars.

18. That the Million subscribed be always kept entire, as a Security to indemnify the Nation against the Charge of the Poor; and the Income and Profits be only divided amongst the Subscribers.

19. That the Treasure of the said Corporation be accounted as sacred, and that it be Felony to imbezzle, lend, convert, or apply the same to any other Use, than maintaining the Poor, or carrying on the Business of the Fishery.

20. That the said Fathers may buy up, when cheap, a certain Quantity of Corn, Coals, &c. yearly, and lodge the same in their Granaries, for the Use of the Poor, but not make Merchandize of them, or sell them again in *England*.

21. That the Stock in the said Fishery be not chargeable with any Rates, Duties, or Impositions whatsoever.

22. That Debts due to the Fishery for Goods by them, *bona Fide* sold and delivered, take Preference of all others, except those due to the King.

23. That all Persons may fish as formerly, and sell what they catch in *England*, but none export any Fish but the national Fishery without paying them ——— *per Cent*.

24. That the said Fathers and Stewards be impowered to bind such single Persons to the Company as the Church-wardens and Overseers of the Poor by the Statutes of 43 *Eliz.* 2. 1 *Jac.* 25. 21 *Jac.* 28. and the 3 *Car.* 4. are empowered to put out Apprentices, the Boys to serve till twenty-four, and the Girls till twenty-one Years of Age; at one of the two and thirty Trades more immediately relating to the Fishery.

The Companies Interest will oblige them to provide the best and soberest Masters.

How to prevent their Desertion can be shown beyond Objection.

The Boys being in the Fishing Season employed at Sea, and working at other Times at that Trade relating to the Fishery to which they were bound, when their Time is out, will be able to get their Livelihoods either at Sea or Land; and if to render them more capable of serving their Country, the said Fathers or Stewards (at four o' Clock each *Saturday* in the Afternoon) should cause them when (on shore) to muster, and exercise although only with Staves, and for Diversion to play at Cudgels, or fence, and reward the Conqueror with Liberty of wearing a small Ribbon, whose distinguishing Colour of Red, Blue, &c. should entitle them to be called Captains, Lieutenants, &c. by the rest of their Fellows, till next Week's Trial of Skill: How soon would Emulation beget Address? And what a Treasure and Strength to *England* would such a Sea-Militia be, always ready for Service both by Sea and Land, and yet no Charge to the Nation till actually in it?

That his Majesty may be addressed to grant Leases to the said national Fishery, of all Wastes and derelict Lands to be by them used in building Warehouses, curing Fish, spinning Twine, and drying and beeting their Nets and the like; and also to be by them distributed amongst such of their Apprentices, their Heirs and Assigns as shall have faithfully served them eight or more Years, not more than five Acres a piece.

D. Upon the whole, I confess, that *England* may out-fish us, but then you must have nothing to do with Companies, only make it every particular Man's Interest, and they'll soon make it their Business.

E. It is dangerous taking a Rival's Advice, and well known why Fish was so cheap this Year in *Spain, Portugal, Italy*, and other *English* Markets; yet sold so well in the *East* Countries.

Glutting Markets may ruin particular Men, but it is far more difficult to put Tricks upon Companies.

D. After all, where can you find a Set of honest Men to carry on a national Fishery in *England*?

E. In *Amsterdam* you have your Church-wardens, Directors of *Bethlehem*, of your Rasp-house, of your Spin-house, &c. Commissioners for your small Differences, and those of your *Levant* Trade, your Sea-Affairs, &c. also your Vroedschap, your Schepens, and your Burgo-Masters, which are Places of far more Trouble than Profit, yet (being the usual Steps to Preferment) are generally (like that of Common-Council-men in *London*) officiated without Reproach. Not for that the *Dutch* are honest Men than their Neighbours, but because such as are found tardy in those Employments are barred all future Hopes of Advancement. And should our Parliament address his Majesty to prefer in the Custom-house, Excise, &c. such as behaved themselves well in the Fishery, and make Breach of Trust therein, to incapacitate Men from serving the Government in any Employment, Military or Civil, for Years (how small Wages soever the Corporation allowed,) the Company would never want Servants that, voluntier like, would vie with each other, who should best serve their Country by most promoting its Fishery.

D. An honest Man is a Citizen of the World. Gain equalizeth all Places to me. And when you settle a Fishery upon better Terms than ours (as my Grandfather left *Antwerp* when its Trade began to decay, and removed to *Amsterdam*) I'll bid adieu to *Vaderlandt* and remove to *London* in the *Interim*: Farewell.

CONCLUSION



SEEING in the Preamble of an Act passed in the 14 Car. 2. It is declared, *That the publick Honour, Wealth and Safety of this Realm, as well in the Maintenance and Support of Navigation as in many other Respects, doth in an high Degree depend upon the Improvement and Encouragement of the Fishery.*

And seeing the Way to all this Honour, Wealth and Safety is so plain and easy, that by only a frugal and industrious Management of Affairs (without quarrelling with our Neighbours,) we may quickly become sole Masters of the fishing Trade.

For Shame let not *Englishmen* longer say, with *Solomon's* Sloathful, * *There is a Lion in the Way.*

* Prov. xxvi. 13.

AN

I N D E X

TO THE TWO COLLECTIONS of Scarce TRACTS.

NB. The Reader is desired to observe, that some of the Folio's being, by Mistake, printed twice over, those that are wrong are included in Brackets thus, [].

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